

COMMUNITY MEDIA REVIEW

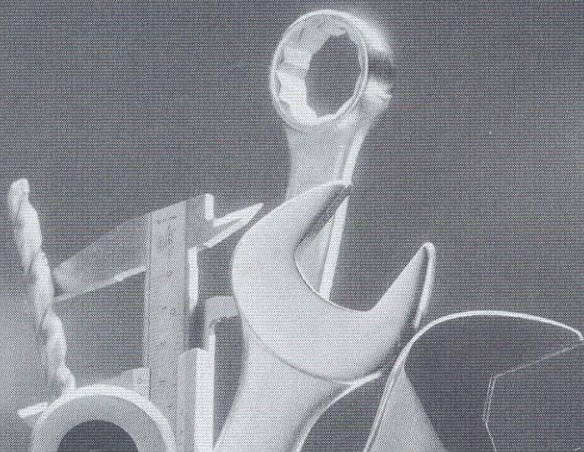
THE PEOPLE'S GUIDE TO THE TELECOM- MUNICATIONS ACT OF 2006

"The communications policy debate is about the nature of our democracy. It is a debate about who gets to speak, and for what price and to whom."

— Mark Lloyd

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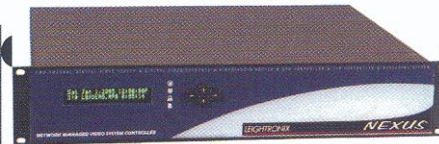
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Jeff Renner
City of Savage, Minnesota

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"I do not worry about automation. It is literally the last thing on my mind. In fact, soon after I was assigned to this post I was able to take my two-week vacation, only returning to the station once to add a disc to the DVD changer."

- Jeff Renner, City of Savage Minnesota

Jeff took advantage of Cablecast's web interface along with Carousel, its built-in character generator. Any time he needed to add messages to the Carousel system, he logged in from home and updated it within seconds. Cablecast and Carousel are the centerpieces of a two-channel head end that cost the city less than ten thousand dollars!

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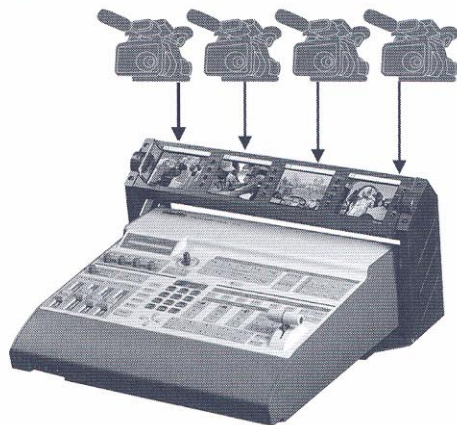
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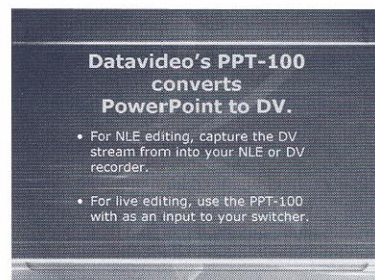
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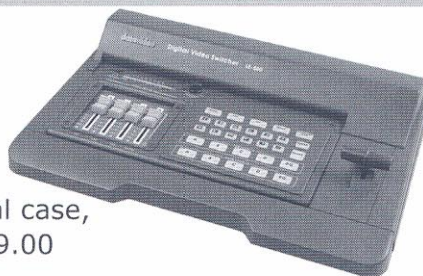
PowerPoint looks better on video when you use PPT-100 software to convert it to DV as a video source for your switcher. (PC only)
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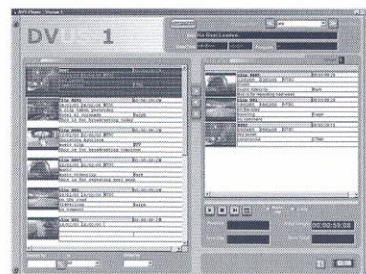
SE-500

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DVUS-1

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COMMUNITY MEDIA REVIEW

SPRING 2005
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Produced through the studio of



Upfront • pages 3-8

Anthony Riddle, Tom Bishop, Board of Directors

The People's Guide to the Telecommunications Act of 2006

Preamble • page 9

Setting the Stage • pages 11-19

Ten years after the 1996 Telecommunications Act we live in a world with fewer communications and media companies, high prices, an internet filled with regurgitated mainstream content and limited access for independent voices and free speech. Leading media critics set the stage for the public interest battle ahead.

Common Carriers: • pages 20-22

The dramatic movement of voice and data traffic from traditional land-line networks onto the internet and the airwaves requires a new look at the obligations of the common carriers and the regulations that govern them.



Mass Media • pages 23-32

History repeats itself. The struggle to preserve broadcasting for "the public convenience and necessity" is not a new one-although "public" is often equated with "commercial" interests-a trend accelerated in the past 20 years.



Cable Communications • pages 33-42

Cable giants are working to be the primary provider of broadband services into our homes. At a time when cable profits are reaching all time highs, the industry pursues a "have cake and eat it too" policy that keeps competitors off their networks and seriously threatens public access requirements.



Broadband & the Internet • pages 43-46

Broadband is the battleground for our future. While industry players compete to provide the "triple play" of voice, data and video into our homes and hand-held devices, they are working together to dismantle seventy years of U.S. media and communications policy.



As the journal of the Alliance for Community Media, COMMUNITY MEDIA REVIEW shall support the Alliance mission by providing: a comprehensive overview of past, present and future issues critical to the Alliance and its membership; vigorous and thoughtful debate on those issues; and a venue for members and like-minded groups to present issues critical to the Alliance.

GRAND RAPIDS [MI] COMMUNITY MEDIA CENTER

Position Announcement • Executive Director

The Grand Rapids Community Media Center seeks an Executive Director to lead a multi-disciplinary, nonprofit community media center embracing cable television, FM radio, internet service provider, media literacy institute, and a neighborhood theatre.

Incorporated in 1980, the Grand Rapids Community Media Center [CMC] is considered a national model in the delivery of media tools, training and transmission for community use. The CMC operates two community access channels on the 100,000-subscriber Comcast cable system in metropolitan Grand Rapids, Michigan; broadcasts a 7,000 watt FM radio station; provides internet service and web design to nonprofits, and a computer lab for members; maintains the Grand Rapids Institute for Information Democracy; and recently acquired an historic neighborhood theatre. The organization has a million dollar plus annual operating budget from diversified sources and a full and part time staff of 30. The mission of the CMC is "building community through media," and its philosophy is grounded in freedom of expression, community empowerment and public interest values.

The ideal candidate will: lead, inspire and empower staff and board to achieve the CMC's annual goals and objectives; have a passion and commitment to community media and media democracy; be committed to diversity in all its forms; develop close working relationships with government officials and community leaders and organizations; have excellent verbal and written skills; be entrepreneurial in pursuit of revenue and funding consistent with the mission; possess vision, decisiveness, and flexibility in a changing environment; embrace and explore emerging technology in furthering the mission; have a minimum three years of executive leadership or high level management in a diverse, multi-disciplinary nonprofit organization (degree in communications or related field a plus); and, be able to administer a million dollar plus annual budget. Familiarity with local institutions and people a plus.

The Grand Rapids Community Media Center is an equal employment opportunity employer. Women, people of color, LGBT persons, and people with disabilities are encouraged to apply.

Review of applicants will begin November 7, 2005. Employment start date: February 2006

For a detailed job description, visit: www.grcmc.org/ed/

For more information about the GRCMC, visit: www.grcmc.org

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FROM THE EXECUTIVE DIRECTOR

'Round Midnight

BY ANTHONY RIDDLE

I wake up in the middle of the night wondering if we have been careful to dot all the I's and cross all the T's. Things are changing so fast that I have been hesitant to turn in a column because I was afraid it would become irrelevant before the *CMR* could go to press. This column is late. I have written three different versions bearing no resemblance to this. Columns with high notions and flowing prose that seemed oddly off kilter the very next week. Sometimes, the pace of change is so high that it becomes hard to remain current.

This edition of *CMR* is late. And because it is late, it is right on time. This two part series is a comprehensive look at the most important changes in the field of community media to date. What began at conception as a look at the rewrite of the 1996 cable act is coming out at a time when there are major, field changing activities on at least four different levels:

- ▲ Local ownership as Time Warner and Comcast attempt consume the Adelphia cable system.

- ▲ New state franchise legislation arising, passing and being defeated in states across the country.

- ▲ Federal legislation in a variety of arenas, including so-called national franchising, municipal wireless DTV transition, LPFM and others.

- ▲ Judicial, including the Brand X case which gives internet providers the right to block other internet providers from their systems.

We have relatively few financial resources for a national organization protecting tremendously large interests on behalf of the public. I always talk about the importance of those interests. I won't do so here. Instead, in the context of this issue of *CMR*, it is more important to talk about where we are.

The Alliance, as I write this, has been very effective in entering the fray. I have been quite proud to see the way our

members have dug deep in the midst of their busy days to come up with the energy to speak out. I have seen a very disciplined effort to support our local officials in their contacts with Congress. In towns and cities, resolutions are passed opposing S. 1504, S. 1349 and H.3146. Our members are meeting with Congressional delegations all across the country. Soon, our producer base will begin to weigh in. As I write this, Representative Barton dropped a bill so new it doesn't have a number and we begin it all again.

People ask if I enjoy the job. It is like asking a soldier if she or he enjoys the war: While the truth may be that one wishes for a more secure time and space—no one likes to have to dodge slings and arrows all day—I have to admit that there is an exhilaration in having survived against the odds. And even more, there is a profound awe to be felt in witnessing the function of an intense social process like this at work. There is a pride in gaining a subtle understanding of action, of movement, of the many small victories on the path forward. It is something that you will take with you, if you join the battle, arm-in-arm with each other, something you will take with you when we have come through this together.

It is late, 'Round Midnight. It is one of those nights when you wake up suddenly, wondering if you have done all you can to prepare for the struggle of the new day. Take these tools that these brilliant community media activists have put together for you, understand them and act in the best way you know how.

It is late, 'Round Midnight, but it is never too late, if you wake up the next day and put all that you can into what you know needs to be done.

Anthony Riddle [raiseeveryvoice@yahoo.com] is the executive director of the Alliance for Community Media.

It is late, 'Round Midnight. It is one of those nights when you wake up suddenly, wondering if you have done all you can to prepare for the struggle of the new day. Take these tools that these brilliant community media activists have put together for you, understand them and act in the best way you know how.

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The ACCESS FORUM list is open to anyone interested in community access.

To sign-up, send a message to:
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The ALLIANCE ANNOUNCE list is open only to members of the Alliance for Community Media. Members should send a request to: alliance-announce-subscribe@lists.alliancecm.org.

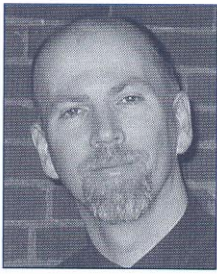
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FROM THE ALLIANCE CHAIR

BY TOM BISHOP

It's Time

We've talked and mused, predicted and prognosticated, pondered and guessed. And now it's go time. Unless you've been living on the absolute perimeter of the community media universe, you know that legislation has been introduced in the U.S. House and Senate that, if passed, would change the landscape of community media as we know it.

They are H.R.3146, S.3149 and S.1504 and in short, these bills are just plain bad. Bad for communities, bad for citizens and bad for community media.

These bills would endanger and potentially eliminate community media, provide no local protection for citizens and consumers, essentially steal public property from our communities, hurt our communities financially during already tough economic times and try to fix a system that isn't broken.

Earlier this year, Senator Ted Stevens, current chair of the Commerce Committee stated, "I want to review our communications laws to ensure that they are up to date with current technology and progress and promote and advance innovation and investment."

I don't see anything in there about the public interest do you?

The battle to include bandwidth and financial support for electronic greenspace has been a cold war up to now. With organizations like the Alliance building a movement to ensure that community media, in all its forms, survives this next change in the regulatory landscape.

Those who would see us wiped off that landscape have been building their momentum for years, crying foul that they have to put up with local regulation and poor-mouthing that their multi-billion dollar profits as an industry just aren't enough to satisfy shareholders.

These bills have their fingerprints all over it.

Senator Stevens says that he and Senator Daniel Inouye will be holding a series of "listening sessions" where "we must hear from men and women who have unique perspectives on how the current laws affect their business, their jobs and their ways of life and how these laws should be changed. Whether it is the chief engineer who is yearning to craft the latest and greatest communications system or the young man or woman who has put an entire life sav-

ings into a new startup company, these people can offer valuable perspectives on what government could do to unleash the great creative spirit of American innovation."

So not only is it the industry driving this rewrite, but they've already been invited to a front row seat at the table. We need to claim our seat as well. We do that by using the material in this edition of the *Community Media Review* as a guide for advocating for our cause.

This literally is all up to you. Your efforts to rally your local organization. Your efforts to influence your legislators. Your efforts to build coalitions with other organizations who see the need for the public interest to be served.

This is what will make or break us: your efforts.

The change coming is inevitable, but if we do our work to the best of our ability, it can be a change for the better.

Let's make sure that we voice our need for protection from corporate efforts to steal local control of communications infrastructure from communities.

Let's ensure that media literacy, media education and media research are recognized as fundamental components of a participatory democracy.

Let's advocate for all people to have the opportunity to use electronic media for free expression, civic discourse and information sharing.

Let's see to it that sufficient capacity and resources are available for community media.

Let's do our best to see that the value of community media is highly recognized at the federal, state and local level.

If we accomplish all of these, we will ensure a future where community media flourishes and where people have the same rights and means to communicate their ideas to their community and the world.

Time is running out on Community Media as we know it. Let's do the hard work to ensure that the future of Community Media is even brighter than today.

Tom Bishop [tom@mediabridges.org] is executive director of Media Bridges in Cincinnati and chair of the National Board of the Alliance for Community Media.

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Alliance for Communications Democracy



For more than 15 years, the Alliance for Communications Democracy has been fighting to preserve and strengthen access. Though the odds against us have been high, and the mega-media, corporate foes well-heeled and powerful, time and again we've won in the courts. We can't continue this critical work without your support. With the ramifications of the 1996 Telecommunications Act still manifesting themselves, and new legislation on the horizon, we must be vigilant if we are to prevail and preserve democratic communications. If not us, who? If not now, when? Please join the Alliance for Communications Democracy today!

Become an Alliance Subscriber for \$350/year and receive detailed reports on current court cases threatening access, pertinent historical case citations, and other Alliance for Communications Democracy activities.

- Voting membership open to nonprofit access operations for an annual contribution of \$3,000.
- Associate, Supporter and Subscriber memberships available to organizations and individuals at the following levels:
- Alliance Associate \$2500 – copies of all briefs and reports.
- Alliance Supporter \$500 – copies of all reports and enclosures.
- Alliance Subscriber \$350 – copies of all reports.

Direct membership inquiries to ACD Treasurer Sam Behrend, Access Tucson, 124 E. Broadway Blvd., Tucson, AZ 85701, telephone 520.624.9833|x103}, or email at sam@accesstucson.org

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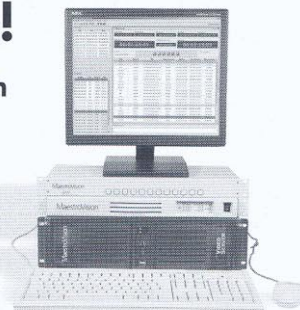
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THE PEOPLE'S GUIDE TO THE TELECOMMUNICATIONS ACT OF 2006

"My humble goal is to see all six billion minds on the planet connected in all the ways our brains and ears and mouths and eyes can communicate. At least when you can communicate, you can reduce the areas of disagreement to real substance."

– Dave Hughes, Old Colorado City Communications

"Notwithstanding its successes, the '96 Act is showing its age. It mirrors the analog age that is winding down, not the digital age that is coming on. The existing framework of federal [and] state regulation may no longer be sustainable given the reality of jurisdictionally seamless digital communication."

–Former FCC Chairman
Michael Powell
January 2005

<http://www.eweek.com/article2/0,1759,1756770,00.as>

We the People must work together to write U.S. Media and Communications laws that serve the public interest as we move into our digital future.



THE TELECOMMUNICATIONS ACT OF 2006 MUST:

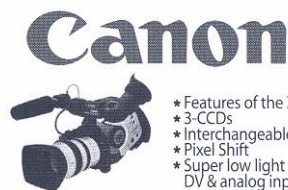
- ▲ Recognize public access to media and communications as a fundamental human right and the foundation of our democracy.
- ▲ Affirm the airwaves and public-rights-of-way as shared public resource to be used expressly for the "public convenience and necessity."
- ▲ Enforce the public interest principles of open access, ownership diversity, accountability, local control, and community reinvestment to support noncommercial media and communications.
- ▲ Apply equitably across all platforms: phone, television and radio, cable, satellite and broadband services.

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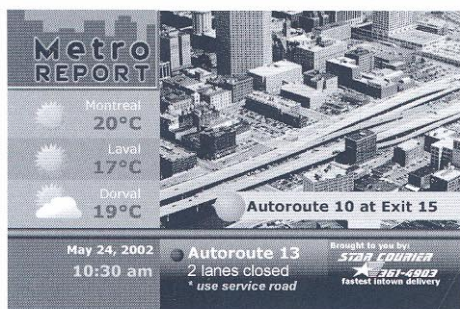
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SETTING THE STAGE

Don't Agonize – Organize!

BY DR. ROB WILLIAMS

We live in a democracy, right? Let's take a vote. What was your most memorable media moment from 2004? Justin and Janet's Super Bowl halftime show? The "Dean Scream?" Or perhaps you'd nominate the relentless reports of the huge chasm between "red" and "blue" states, which, if nothing else, demonstrates the mainstream media's breathless ability to manufacture an agenda-setting news story, complete with nifty maps, colorful charts, and eye-popping graphs? Or maybe you'd select one of the hundreds of thousands of advertisements—slick, sexy, and seductive—that have infected our media culture like a contagion, popping up in the most unexpected places, ready to offer you the latest and greatest in _____ (fill in the blank).

Welcome to the new media millennium. We Americans live in the most media-saturated society in world history. Our ideas, values, and behaviors are shaped, in no small measure, by 10-12 hours of daily immersion in a bewildering array of media environments. For those of us who can afford a laptop, WiFi, 3G cell/photo phone, or an iPod, our ability to entertain, engage, and inform ourselves and others has never been easier or more exciting. But we live in the midst of a media culture that treats us more like consumers than citizens, a dangerous trend in a republic that depends on media for its lifeblood. The struggle to protect local voices, support diversity of opinion, and foster genuine democratic debate is harder every day.

North Americans sometimes make the mistake of confusing high visibility tech-

nological innovations (see above) with the daily decision-making that shapes "the political economy of media." Who makes the rules about our media systems' collective future? These decisions unfold beyond the range of the fickle flickering of the radar screen that passes for public debate in this country. And, while we might not find this conversation as seductive as the *Desperate Housewives* season finale, we must plunge in if we care about our culture's health, our economy's wealth, our media's democratic dynamism, and our republic's future.

Go back a decade. The 1996 Telecommunications Act refashions federal regulatory policy for our new digital "Information Age." (Remember that buzz phrase?) The bad old days of "spectrum scarcity" are over, thanks to the magic of digital technology, and more (and more) outlets of communication are now possible. Cable and satellite video channels in every living room. A website on every PDA. A cell phone in every ear. Let a thousand channels bloom.

With limited public discussion and 20 minutes of television news coverage, President Clinton, the Congress, and the Federal Communication Commission (FCC) laid a solid foundation for the Big Media that concerns us today. Working behind the scenes, our public officials joined with the media industry's largest corporations to create a new framework that permits private companies to use our public property (air and land) to sell as

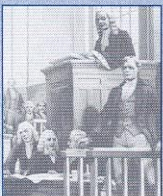
much radio, broadcast and cable television, land line and cellular telephone service as the "free market" can buy.

Fast forward to 2005. Giant multinational media corporations—Time/Warner, Verizon, Comcast, Newscorp—now say the 1996 Telecom Act hampers

Welcome to the new media millennium. We Americans live in the most media-saturated society in world history. Our ideas, values, and behaviors are shaped, in no small measure, by 10-12 hours of daily immersion in a bewildering array of media environments.

their ability to compete in the global marketplace. They think that de-regulation did not go far enough. This is a stunning claim. The Clinton Congress' passage of the 1996 Telecom Act opened the telephone networks to competition for dial tone, long distance and internet services. The Act gave broadcasters broader powers of media concentration and it awarded these big media companies with more than \$80 billion of potentially leaseable publicly-owned digital spectrum for *free*—the single largest government giveaway of public resources to private corporations in all of U.S. history. (Read that sentence again for dramatic effect).

It is no surprise that these major changes our national communications policy are barely informed by public debate since Big Media owns every major commercial radio and television news outlet, most major newspapers, and makes more campaign contributions to both the Democratic and Republican parties than any other single industry in possession of a K Street lobbying office in our



AUGUST 4, 1735 — Freedom of the press was established with an acquittal of John Peter Zenger. The writer of the *New York Weekly Journal* had been charged with seditious libel by the royal governor of New York. That jury said, "The truth is not libelous."

Source: *A Brief History of Newspapers*, <http://www.historicpages.com/nprhist.htm>

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Big Media has one, elegant goal: Maximize Profits. To this end, Cable, satellite, and telephone companies and their conglomerates seek, in their words, to "level the playing field" within the "competitive marketplace" and "eliminate regulatory oversight" by city and state governments, the courts, Congress, and the FCC.

nation's capitol.

Big Media has one, elegant, goal: Maximize Profits. To this end, cable, satellite, and telephone companies and their conglomerates seek, in their words, to "level the playing field" within the "competitive marketplace" and "eliminate regulatory oversight" by city and state governments, the courts, Congress, and the FCC.

In the upcoming rewrite of the Communications Act of 1934—of which the 1996 Telecommunications Act is a part—we must go on the offensive against the level

playing field and argue for community reinvestment. The fight is immense. We confront a compliant Congress, an industry-friendly FCC, well-financed telecom executives and their legions of lawyers. In this David and Goliath struggle, we must do more than protect the existing, meager concessions to the public interest. After all, Big Media uses public property for free (or very cheap). We must educate ourselves, inform our friends and volunteers and animate a mass of outspoken citizens to insist that: U.S. policy makers require all companies who use the public airwaves and rights-of-way to reinvest in our communities with a percentage of their revenues and a portion of the bandwidth they are licensed to use.

Grassroots and community media projects are ideal places to frame these issues and advance the values of democratic media. We already deliver media literacy education to our students and neighbors. We are proficient producers of compelling independent media and know how to air it on community cable channels, low power radio stations and (are learning how to use) podcasts. We understand that the combination of new internet tools and old fashion door-to-door organizing can propel our message about democratic media and community reinvestment to the U.S. public.

"Don't agonize," media veteran George Gerbner is fond of saying. "Organize!" THE PEOPLE'S GUIDE TO THE TELECOMMUNICATIONS ACT OF 2006 is one of many (many!) resources that sheds light on today's public interest media platform and can help you to mobilize your friends and volunteers to demand change. We can trump money power with people power. We *can* build a more humane and democratic media future.

Dr. Rob Williams [robw@acmecolalition.org] is a historian, media literacy educator, and musician (www.robwilliamsmedia.com) who currently serves as the national board president of the Action Coalition for Media Education (www.acmecolalition.org), a continental educational nonprofit championing critical media literacy education, independent media production, and grassroots media reform.

Media Reform for What?

BY JANINE JACKSON

As we go forward we need to keep asking ourselves: "Media reform for what?" Do we want to break up dominant media conglomerations because it sounds better that there be a smaller number of companies? No. Media reform is not an academic exercise. Bad media hurts real people. Better media would help real people. Media reform means gaining the power to speak and to be heard. And that means taking some of the power from people who have it now. So, done right, media reform is dangerous.

▲ I want truly democratic media because 45 million Americans don't have health insurance and a lot of them think it is their fault.

▲ I want democratic media because black and brown kids go to jail because of what somebody read in the newspaper about "super predators".

▲ I want truly democratic media because public television just said that a family with lesbian mothers is unfit to be acknowledged on the network that you and I pay for.

▲ And I want truly democratic media because, if we had it, tens of thousands, perhaps one hundred thousand people, who have died in Iraq might be alive today.

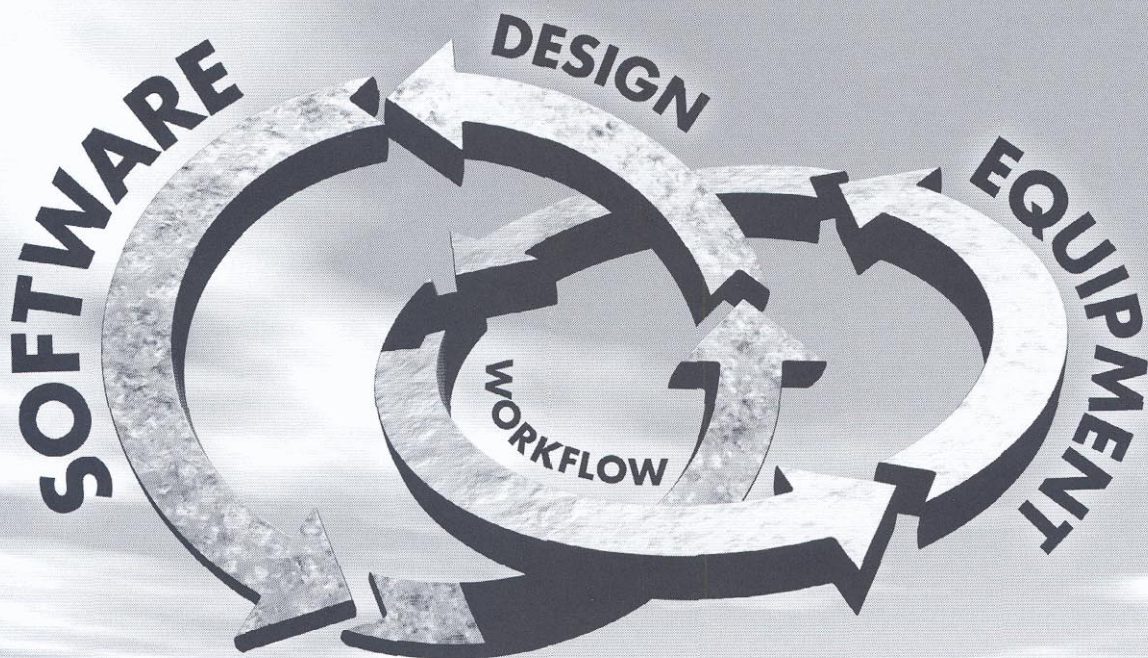
Media reform is not an academic exercise. It is a crucial problem for our time and asking ourselves "Media reform for what?" will help us keep our eyes on what we are ultimately fighting for. And it will remind us to acknowledge and celebrate the real and concrete successes that we will no doubt achieve on our way towards our bigger goals.

Janine Jackson (jjackson@fair.org), Fairness and Accuracy in Reporting, National Conference on Media Reform, St. Louis, May 2005



1844 — Once Samuel Morse convinced Congress to sanction the first long-distance telegraph line, an iron wire was strung between posts from Baltimore, Maryland to Washington, D.C. — a distance of 37 miles. The first telegraph message, "What hath God wrought," was successfully sent and received along the first telegraph wire system.

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The Time has Come to Build a Movement

BY ROBERT W. MCCHESENEY AND JOHN NICHOLS

After many years of writing, arguing, and advocating against an increasingly undemocratic media, we are convinced that the time has come to build a movement that seeks to replace their media with a media that serves the great mass of Americans—our media. We know that it is mandatory that citizens blast open debates over media policy so that decisions that shape the media landscape are made not in secret, but with the informed public consent that our media system is supposed to be built upon. The ultimate objective of all our arguments is to open the way for the establishment of a more diverse and competitive media system, with much larger nonprofit and noncommercial component.

We understand that this is not an easy fight. The corporate media are powerful. They have world-class PR, and they have gotten very good at spinning the lie that they are "giving the people what they want." The struggle to remake media begins by spreading recognition that major media gives the people what they want only within the range that major media can maximize profits. So all sorts of things people clearly want—like less advertising and higher quality journalism—are not provided because they are not profitable. When they think about it, Americans will fully under-

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- ▲ Hold media accountable to the public.
- ▲ Give communities access to their own airwaves.

From *Free Press Media Policy 101: what you need to know to change the media system, 2004*

www.freepress.net/action/tools

stand that the existing market is not flawless indicator of public desires, because it can only address what makes the most short-term profit for the media giants. That understanding opens the door for a renewed respect for the role that public policy making can and must play in shaping media systems that serve citizens.

— From *Our Media, Not Theirs: The Democratic Struggle Against Corporate Media, 2002*

Deregulation Means Corporate Handouts and Broken Promises

BY GENE KIMMELMAN

Until recently, public policy for telecommunications involved handing out public benefits or assets, such as the airwaves or local cable and telephone monopoly franchises, in return for commitments to meet public needs. Broadcasters were to meet local civic and educational needs, and telephone companies were to ensure universally affordable telephone service. This straightforward *quid pro quo* left companies that were dependent on public assets obligated to meet public needs that market forces failed to satisfy.

Now, in the era of deregulation, public benefits or assets have increasingly been handed out in return for nothing more

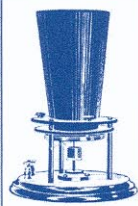
than corporate promises—promises to deliver high definition television, promises of cross-industry competition, and promises to expand availability of open platforms providing broadband services.

Unfortunately, this new approach has resulted in many broken promises, inadequate industry accountability, anti-competitive behavior and consumer and investor abuse. Clearly, we need to restore accountability by reinforcing the principle that the distribution of public assets or subsidies requires significant public benefit in return.

Gene Kimmelman, Consumers Union (www.consumersunion.org) testimony to Subcommittee on Telecommunications and the Internet, 25 September 2002.

...powerlessness is another dangerous myth we must challenge. Together, we have the combined strategy and skill to dismantle and rebuild this media system. Where the U.S. has used our media to export racism, sell war, and destructively declare itself a singular superpower, the problem of the U.S. media is a problem for the whole world. We can and must use media reform as a bridge to inch closer and closer to justice.

— Malkia Cyril, Youth Media Council, Justice by Any Name, National Conference on Media Reform May 2005



1878 — The public switched network is born: The first telephone exchange in the United States opens in New Haven, Connecticut under license from Bell Telephone. 50 subscribers listed in New Haven's—and the world's—first telephone directory. Western Union opens first large city exchange in San Francisco. Within a few years, licensed telephone exchanges open in every major city in the country. These franchises, together with the parent company, eventually become known as the Bell System.

1876 — [left] Bell's original telephone.

Regulatory Parity and Other Misgivings

BY MARK LLOYD

Any child knows that you can't treat all water the same. Wading across a stream, navigating a river and sailing an ocean are very different things. Everyone knows that you cannot apply the same rules to mines, shorelines and forests. Just because they are all land doesn't mean they are the same. This bit of common sense occasionally eludes communications companies.

Ever since the beginning of broadcast regulation, radio licensees have argued that they should be treated just like newspapers. After all, they said, they are both in the communications business. Fortunately, the courts could be relied upon to answer: Broadcasters are given a free federal license to use public property (the spectrum) to communicate. Newspapers do not require a license to use their printing presses or paper or ink. Well, they're at it again. This time they have a fancy new name for it—"regulatory parity." And it's not just the broadcasters—all the communications companies are joining in this new variation on an old theme....

The simple underlying premise behind regulatory parity is that because telephone, cable and broadcast companies are competing to provide consumers communication products they should be treated equally. Why should broadcasters suffer the burdens of license obligations? The cable companies don't have this problem. Why should cable companies suffer the burdens of local franchise commitments?

The broadcasters don't have to report to local communities. Why should telephone companies have to share their infrastructure with competitors? The cable companies don't have to. And, of

Well, they're at it again. This time they have a fancy new name for it—"regulatory parity." And it's not just the broadcasters - all the communications companies are joining in this new variation on an old theme. . .

course, what the industry means by regulatory parity is getting rid of rules they don't like.

Any serious examination of the laws applied to telephone companies, broadcasters and cable companies will reveal a complex set of rules arising from very different political and legal histories, different economic structures, different engineering challenges, and different jurisdictional relationships. As Sherille Ismail demonstrated in his article "Mapping Regulatory Treatment of Similar Services," there are so many important differences between broadcast, telephone, and cable companies that the simple notion of similarity quickly falls apart. Intelligent policy-making does not mean ignoring real distinctions and treating everything that seems similar as though it were the same.

In the Senate, the chairman of the Senate Commerce Committee, Ted Stevens of Alaska, has not embraced "regulatory parity" as the goal of the

Senate's re-examination of the Communications Act. Senator Stevens has instead announced a series of "listening sessions" before holding formal hearings. Senator Stevens understands the importance of communications services to his rural constituents. He has long been a champion of universal service, distance learning and public broadcasting. Unfortunately, Senator Stevens now seems to view legislative action regarding telecommunications services as limited to marketplace considerations.

In a recently published article, Stevens writes:

"...the new common denominator should be what's good for the American consumer and innovator. We must find the proper balance to make the best communications forms available to all Americans—rich and poor, rural and urban—while promoting freedom and creativity for those who seek to provide such communication to our market. In the end, when we find the proper balance and update what currently exists, the marketplace—the consumer—will determine what succeeds."

Unfortunately, Stevens fails to mention the needs of children and parents who are not always well served by the marketplace. Nor does he mention the needs of public schools or libraries or nonprofit medical centers. Perhaps most disturbing is his failure to mention the needs of citizens as distinct from the needs of consumers.

Senator Stevens should open up his "listening sessions" to Americans whose concerns about communications have not always been well served by leaving it up to the marketplace.

Mark Lloyd [mlloyd@americanprogress.org] is a senior fellow at the Center for American Progress. www.americanprogress.org

For more detail see:

***Parity Rules: Mapping Regulatory Treatment of Similar Services*, by Sherille Ismail, *Federal Communications Law Journal*, May 2004, Volume 56, Number 3**

**for more on these issues visit:
www.cctv.org/peoplesguide.htm**

1880 — First media conglomerate: Theodore Vail pursues his dream of a Bell System that includes regional companies offering local service, a long distance company providing a toll service network (AT&T, 1885) and a manufacturing arm for phone equipment (Western Electric, 1882). Vail capitalizes the new company with \$7 million and 133,000 connected telephones. Telephone exchanges exist in most major cities and towns in the U.S. and operate under American Bell licenses.

The Beginning and the End of the Internet?

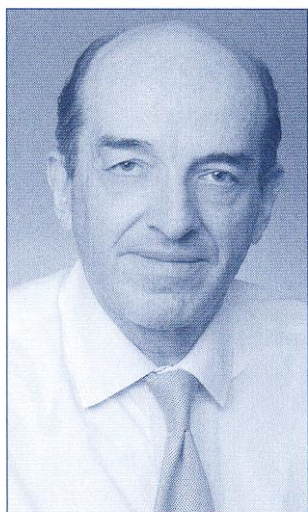
Discrimination, Closed Networks, and the Future of CyberSpace

BY MICHAEL J. COPPS

We all take pride in the dynamic forum that the Internet has become. From right to left, Republicans and Democrats, rural and urban, we view the Internet as a place of freedom where technology and business innovation flourish. End-to-end openness has always been at the heart of what the Internet community and its creators celebrate. The Internet has become a fountain of innovation; a well of opportunity for consumers and entrepreneurs. It may just be the most democratic public forum that has ever existed.

But this Internet may not be the one we know in the future. There are threats to it out there and I think we had better begin to understand them before they derail the promise of this technology, not after the damage has been inflicted. Entrenched interests are already jockeying to constrain the openness that has been the Internet's defining hallmark and they are lobbying the FCC to aid and abet them. They claim all they are advocating is a "deregulated" environment where the "market can reign supreme."

But in reality they are seeking government help to allow a few companies to turn the Internet from a place of competition and innovation into an oligopoly. Power over the Internet would then reside with the network



FCC Commissioner Michael Copps

owners, who could use chokepoint power to constrain consumer choices, limit sources of news, information and entertainment, undermine competitors and quash disruptive new technologies. They may talk in terms of *Schumpeter* and creative destruction, but in reality what they are asking is for the Commission to pick winners and to choose existing technologies and businesses

over new technologies and entrepreneurs. They can talk "competition" all they want, but the race to combine distribution and content spells economic constraint here as clearly as it did when John D. Rockefeller married distribution to his product.

We cannot afford to buy into this vision. If we do, we'll wind up looking back, shaking our heads and wondering whatever happened to that open, dynamic and liberating Internet that we once knew. "What promise it held," we'll say. If that happens, history won't forgive us. Nor should it.

FCC Commissioner Michael J. Copps, 9 October, 2003, "The Beginning of the End of the Internet? Discrimination, Closed Networks, and the Future of CyberSpace" New America Foundation, Washington DC
<http://www.newamerica.net/index.cfm?pg=event&EveID=305>

There appears to be no viable reason for the FCC to step back from the requirements of the Act, its own pro-competitive legacy, and the pro-competitive economic policies of the Bush Administration, to embrace a future where, at best, consumers can only receive what unregulated monopolies and/or duopolies are willing to give them.

Vint Cerf, Letter to the Secretary of Commerce Donald Evans and the FCC Chairman Michael Powell, May 2002

FCC Chief: Broadband is Top Priority

FCC Chairman Kevin Martin said that broadband "has been this agency's focus on telecommunication in the last few years, and it needs to continue to be our priority."

Getting broadband rules right "will involve not only making sure we have the right regulatory framework for that infrastructure, but addressing issues like what are the services that ride over that infrastructure and what are the social obligations that go along with that like the expectation that people have to connect to local public safety officials," he said.

Martin also answered questions about his general philosophy of decision making: "The free market is a better way for delivering innovation to consumers," he said. "The most important role of government in that sense is setting an environment in which the benefits of that free market can flow to consumers."

From National Journal Telecom Update, 27 May 2005



1894 — Bell's second patent expires, enabling independent telephone companies to legally operate telephone systems in the United States. Many previously unwired areas get their first telephone service and many others gain competing companies. Because there is no interconnection, subscribers to different phone companies cannot call each other. Between 1894 and 1904, over 6,000 independent telephone companies go into business, and the number of telephones increase from 285,000 to 3,317,000.

The Public Convenience and Necessity: A Brief History of US Communications and Media Policy

By means of electricity, the world of matter has become a great nerve, vibrating thousands of miles in a breathless point of time...The round globe is a vast brain, instinct with intelligence!

— Nathaniel Hawthorne, 1851

BY LAUREN-GLENN DAVITIAN

Have drawings. Alphabets. Foot messengers. Printing presses. The Internet. The history of human communication marks our impulse to connect with each other across time and space. It takes 4000 years to replace campfire chats with instant messaging. But once we harness electricity, it takes a mere 150 years to invent the global village.

In the late 1800s, telephones revolutionize our oral traditions. Forty years later, television campfires warm us with images of events, near and far. At the dawn of A.D. 2005, people of all ages and incomes use digital mobile devices to unite with (almost) anyone, anywhere at any time.

One social principle endures: the benefits of modern communications depend on everyone being connected. Some think these public benefits can be forged through the marketplace and require no regulatory protections. Others maintain that regulation is necessary to ensure that the airways and rights-of-way are affordable and accessible to the public who own them. This argument, raging since the birth of communications (i.e., telephones) and media (i.e. radio waves), is the basis of U.S. telecommunications policy.

The Communications Revolution. The invention of the telephone and wireless telegraph (radio) in the late 1800s and early 1900s leads immediately to widespread public demand, further technological innovation and consolidation of ownership by entrepreneurial visionaries who understood the economic potential of

communications and media technologies. To maximize both the business potential and public benefit, President Franklin Roosevelt and Congress decided that the system for licensing the airwaves and rights-of-way must be rationalized and brought together under one regulatory framework. Building on the *Radio Acts* of 1912 and 1927, Congress passes the *Communications Act of 1934*.

The Public Convenience and Necessity. The 1934

Act provides for “the regulation of interstate and foreign communication by wire or radio, so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, nationwide, and worldwide wire and radio communication service with adequate facilities at reasonable charges.”

In the Act, Congress creates the Federal Communications Commission (FCC) to implement the requirements of the Act and to oversee two categories of regulated industry: common carriers (who use public rights-of-way to string cables for phone lines) and radio (broadcasters who use the electromagnetic spectrum—a/k/a the airwaves). The FCC (www.fcc.gov) continues to oversee these industries through licensing, enforcement, anti-trust monitoring and rulemaking.

The *Communications Act of 1934* (www.fcc.gov/Reports/1934new.pdf) remains the core of U.S. communications policy—its authority now extends to the many technologies that have emerged since 1934. The Act is organized by “Title” (e.g., Title II—Common Carriers, Title III –

Radio, Title VI—Cable) and includes 70 years of revisions (including the 1984 *Cable Act* and *Telecommunications Act of 1996*). The work of the FCC is guided by these “titles.” Today’s Common Carrier Bureau oversees local exchange and long distance telephone services, cellular radio and earth stations. The Media Bureau

The tension between market forces and government protection of the public’s right to use our airwaves and rights-of-way is not new to this “internet era” of media consolidation.

watches over broadcasting (AM, FM and low power radio, UHF, VHF; low power television), cable television and satellite services.

While these distinct categories of communications and media hold for 60 years, the invention of computers and their ability to exchange digital information lays the groundwork for a new technology that ultimately employs phone, broadcasting and cable networks—the internet. The convergence of voice, data and video into digital bits that can be carried on phone networks, cable networks or through the air and coincides with the deregulatory fever of the 1990s, prompting Congress to update the *Communications Act of 1934* with the adoption of the *Telecommunications Act of 1996*.

Telecommunications Act of 1996. The 1996 Act encourages competition in traditional monopolies (common carriers and mass media) while strengthening the ability of the U.S. based communications and media businesses to compete in emerging global markets. License holders of all platforms are still required to “promote the public conveniences and necessity,” but the rewrite is seen as a transitional policy. The 1996 Act equates the



1900 – 01 - “Distance vision” heralded at 1900 World’s Fair in Paris. Word television first used. One year later, transatlantic communication is launched: Marconi sends signals across the Atlantic ocean with new radio telegraph system.

Left: The Palate of Electricity to the Worlds Fair of Paris

public interest with a competitive marketplace and anticipates a not-too-distant future when diverse programming proliferates, monopolies end, scarcity cease to be a problem and regulation is no longer necessary. Thanks to the hard work of public interest advocates, the 1996 Act preserves the touchstones of universal service and public trusteeship—but these are considered to be short-term requirements that will no longer be necessary when the marketplace solves the problems of scarcity. As with most national communications policy, the FCC is given the responsibility of working out the details that Congress cannot negotiate itself. A number of these issues are played out in the Courts (such as *FCC v. Brand X*) and find themselves at the core of new Congressional action.

In the decade that follows the 1996 Act, phone, cable, satellite and even broadcasters position themselves to bring the “triple play” of voice, data and video into homes and businesses across the nation. The rapid deployment of “broadband” across multiple platforms results in an industry clamor to remove the regulatory barriers that prevent them from competing on a “level playing field.”

Telecommunications Act of 2006. In the rush to reconfigure media and communications regulation as we know it, five key issues emerge as the keystones of new legislation. It is likely that a series of new laws (rather than one “omnibus” piece of legislation) will ultimately emerge as part of the Telecommunications Act of 2006.

COMMON CARRIERS. When the U.S. Justice Department negotiates the *Kingsbury Agreement* in 1913, they sanction AT&T’s monopoly status in exchange for universal service. Today, the Universal Service Fund subsidizes access for poor people, senior citizens, rural communities, schools and libraries. As more people move their voice traffic (telephone calls) onto the internet through non facilities-based providers like Vonage or Skype (or the common carriers themselves!), less revenue goes into the Universal Service

Fund. The future of this subsidy as a way to guarantee affordable access is at risk as more and more content moves from the backbone of licensed common carriers to VoIP (voice over the internet). Add to this the acquisition of AT&T by SBC and MCI’s purchase by Verizon. Together, these two conglomerates will serve 79 percent of the US public with long distance and local service—market power unprecedented since AT&T was “broken up” by the U.S. Justice Department in 1980.

BROADCAST MEDIA. The FCC’s attempt to lift ownership restrictions of “old media” television and radio stations is based on the idea that “new media” competition from the internet and cable TV guarantees the diversity of viewpoints required by the *Communications Act of 1934*. But broadcasters now own many of the “new media” outlets and what we watch and hear is less diverse than ever before.

SPECTRUM POLICY/DIGITAL TV. In 1996 Congress wants to ensure that the U.S. maintains its global supremacy in telecommunications. Broadcasters respond with the promise of high definition, digital television (HDTV). Happily, Congress awards broadcasters with a second, free channel and a 2006 deadline to make the transition. Without meeting the deadline, many broadcasters continue to hold onto 108 megahertz of prime spectrum, which can be used, instead, for countless “technologically advanced” community-based wireless broadband projects that brings “big bandwidth” the “last mile” into homes and businesses. Congress wants the spectrum back (so they can auction it for much needed federal revenue). The timeframe and details are currently being debated through a series of Congressional bills.

BROADBAND RULES. Cable television is a hybrid of the regulatory world. It starts as a common carrier in the late 1940s (coaxial cable plus microwave antennae transmitting broadcast programming to rural customers with bad reception) and moves into the “publishing” world with the launch of Home Box

Office in the 1970s and CNN in 1980. The *Cable Communications Act of 1984* outlines new terms for cable licensees including the requirement to provide leased access, public access and franchise fees. Since then, cable realizes its potential as the first provider of digital service into the home with digital TV and cable modem service.

The FCC rules that cable broadband (i.e. use of cable network to deliver high speed internet) is an information service in 2003. As such, cable operators are required to neither pay franchise fees nor open their network to competitors. The Supreme Court’s 2005 decision to deny Brand X and other internet service providers with nondiscriminatory access to cable broadband will have far reaching impact on the issues of open access (for both cable and DSL)—and on all public access requirements. Both Cable and Common Carriers are prepared to go to Congress to “level the playing field” and allow them to keep all competitors off their networks.

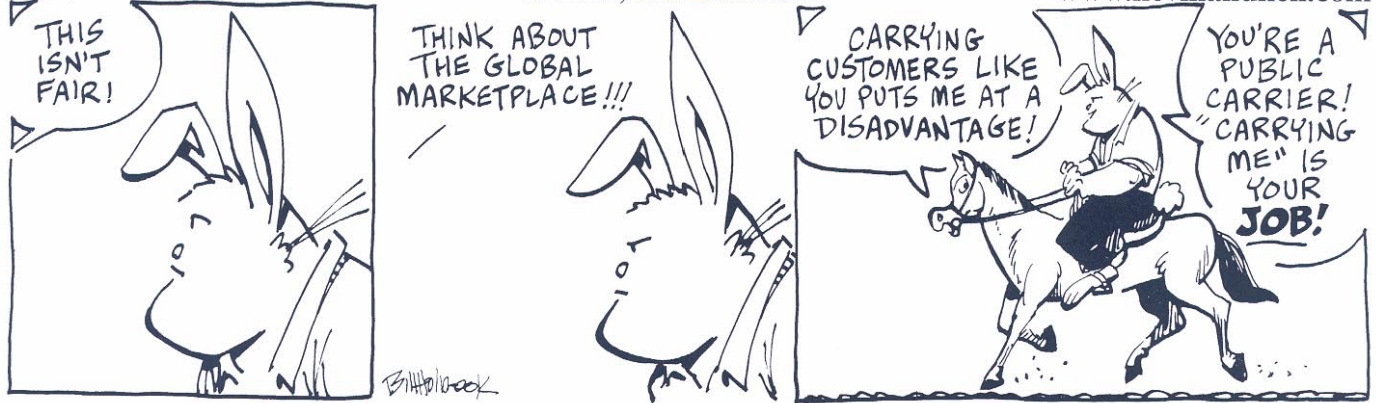
REDEFINING CABLE COMPANIES. Both Verizon and SBC announced plans to get into the video business but don’t want to go through the trouble of obtaining franchises from hundreds of municipal franchising authorities. Losing their bid for statewide franchises with a number of state legislators this winter, the telcos have moved their fight to Congress where they are seeking national franchising authority. As of September 2005, national video franchising bills in the U.S. House and Senate have gained preliminary support from influential Congressmen and FCC regulators.

THE SHORT STORY FOR ACTIVISTS. While U.S. communications policy favors competition, the result is increasing consolidation of the companies that manage the conduit and produce (telephone lines, cable lines, broadcast airways) the content (news, information and commercials). In order to preserve the publicly owned airwaves and rights-of-way used by commercial communications and

See **THE PUBLIC** – page 21

1907 — “One System, One Policy, Universal Service”: AT&T president Theodore Vail believes that “the telephone by the nature of its technology operates most efficiently as a monopoly providing universal service”. In AT&T’s annual report he adds that, government regulation, “provided it is independent, intelligent, considerate, thorough and just,” is an appropriate and acceptable substitute for the competitive marketplace.





Common Carriers: POTS and PANS

(Plain Old Telephone Service Becomes Practically Any New Service)

The invention of the telephone in 1876 is quickly followed by the start-up of the American Bell Telephone Company. With his two patents, Alexander Graham Bell and two investors license thousands of local exchanges across the United States. In short order, the enterprising Theodore Vail unites American Bell with equipment maker Western Electric, under the umbrella of the new long distance company, AT&T. When Bell's patents expire in 1894, independent phone companies open in rural communities across the country. Seeing the opportunity to own the national telephone network, J.P. Morgan teams up with Vail to purchase as many independents as they can get their hands on. The U.S. Justice Department investigates. The government cuts a deal with AT&T (called the Kingsbury Commitment) in 1913: AT&T agrees to open their network to the independents (for a fee) and extend local service to unserved rural communities. In exchange for universal service, the government sanctions AT&T's monopoly status—

which remains in tact until Judge Greene finally breaks-up the company in 1980.

In the landmark *Modification of Final Judgment* (1982), AT&T agrees to divest itself of its local telephone operations. In return, the Justice department agrees to lift the restrictions on AT&T activities contained in a 1956 *Consent Decree*. In 1984, the Bell System is "broken up" leaving seven Regional Bell Operating Companies (RBOCs) who must continue to provide "open access." AT&T retains its long distance telephone, manufacturing, and research and development operations.

In the years that follow the 1996

Telecommunications Act, common carriers (or telcos) enter an accelerated world of competition with cellular phone, broadband and voice over the internet (VoIP) providers. Increased use of these services starts a dramatic movement of voice and data traffic from traditional landline net-



Early "luggable." Photo courtesy www.telecomwriting.com

works onto the internet (which increasingly uses broadband) and the airwaves. The exponential growth of voice over the internet companies, such as Skype

(reporting 140,000 new customers daily) and the 2004 FCC rules that exempt VOIP carriers from traditional state level regulation, calls the entire common carrier "regime" into question and leaves unanswered the future of universal service and its funding.

At the same time, cable companies stake an aggressive claim for broadband to the home and the telcos respond with DSL. But growing demand for faster connection underscores the age of the telephone networks and the need to replace copper cables with fiber optic directly into the home—requiring a massive capital investment by a phone industry that is losing large chunks of its traditional market share. In order to shore up their profits, major mergers take place (most recently, SBC-AT&T, Verizon-MCI). The telcos also work on multiple fronts to edge out their competitors. During 2005 they have actively worked in state legislatures to prohibit municipalities from providing wireless service to their communities and are now moving to Congress to establish national franchising for video service providers that would enable telcos to sidestep cable's local franchise authorities.

1913 – Kingsbury Commitment: AT&T settles its first federal anti-trust suit with the U.S. Department of Justice by becoming a government sanctioned monopoly. AT&T agrees to divest its controlling interest in Western Union, allow non-competing independent telephone companies to interconnect with its long distance network (for a per call charge), and to expand in unserved areas of the country with the intent of providing Universal Service..

Chokepoint: You Pay for Deregulation

The dual waves of mergers and deregulation that are reshaping the telecommunications industry add up to bad news for consumers' wallets.

Increasingly, consumers are faced with just two choices for their high-speed Internet, telephone and television needs: the cable company and the phone company. Most economists understand that two is not enough competition to keep prices down and service quality up. Look no further than your cable TV bill, which has continued to climb despite competition from satellite TV firms.

...left unchecked by regulators, the growing power of the cable and telephone duopolies could do far more harm to consumers and strangle innovation.

But if a telephone company can block Internet phone calls, what's to stop a cable modem provider from blocking an Internet video site to protect its own cable TV service? And what's to stop another broadband provider from cutting an exclusive e-commerce deal with Walmart.com that blocks access to Amazon.com, Netflix and Apple's iTunes? Pretty soon, the Internet could start looking like a series of walled-off mini-networks built to protect the interests of a few at the expense of everyone else.

— Excerpted from San Jose Mercury News, February 18, 2005

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media networks for "public convenience and necessity," we must insist upon:

▲ Open, nondiscriminatory access to all media and communications platforms and networks;

▲ Universal service to ensure communications access for rural communities, low income individuals and nonprofit organizations;

▲ Public Access to the means of production and distribution for communities, schools, governments, emergency personnel;

▲ Consumer protections that guarantee reliable, affordable service;

▲ Community reinvestment of bandwidth and revenue by commercial enter-

prise for public purposes—10 percent of bandwidth and five percent of gross revenues to enable public access media, community wireless projects and locally owned/controlled broadband networks to provide public benefits and contribute to communities and a nation worth living in.

THE DOSSIERS. The People's Guide is designed to provide an intelligent background to the communications and media policy issues. These are summarized in the "Overview of the 1934

Act" and spelled out in more detail in sections that address the major categories of communications (common carriers) and media (radio, TV, cable, satellite) that are converging to bring us the digital age.

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for more on these issues visit:
www.cctv.org/peoplesguide.htm

With Ma Gone, Baby Bells Get New Clout

BY ALAN MURRAY

The disappearance of the long-distance telephone industry in the U.S. may help clear the way for a major rewrite of the telecommunications laws in Congress this year.

On Monday, BT Group Chief Executive Ben Verwaayen gave his version of the future, describing three grand "convergences" now in progress. The first is the convergence of local, long-distance and wireless telephone services, which will be well under way if the latest batch of mergers is approved. The second is the convergence of data and telephone services, which, with the advent of Internet-based telephone services, is on its way, too. The third will be a convergence of networks, such as the cable and telephone networks, with services, including telephone, data and television.

If he is right, the future will be a world in which you might have a single box in your home, connected to the network by either a cable wire or a telephone wire—or perhaps by an electrical wire or a wireless connection—that will provide a variety of services, including telephone, computing and television.

In that environment, traditional telephone regulation clearly is obsolete. But the transition to the brave new world will take time, and members of Congress, as always, will look to protect key constituencies in the meantime. Representative Joe Barton R/Texas, chairman of the House Committee on Energy and Commerce, says his goal is to create "market-based competition." In the short term, he also is creating full employment for Washington lobbyists, who will seize every opportunity to give their clients, the Baby Bells, an advantage.

Excerpted from *Wall Street Journal*, 16 February 2005 <http://www.freepress.net/news/6767>

1919 - GE forms Radio Corporation of America (RCA) to take over assets of American Marconi. RCA is formed after the U.S. Government gives control of the wireless industry back to the public sector following World War I. RCA gains the assets of American Marconi and becomes the controlling body of the patents belonging to General Electric, Westinghouse, United Fruit and AT&T.



Skype Creeps Under Phone Giants' Radar

BY BEN CHARNY

At a time when major U.S. telephone operators are spending billions of dollars to expand, telephone software maker Skype on Tuesday says it's building a global phone network virtually for free.

The number of new Skype users is increasing at rates not seen since the early days of instant messaging, and at no cost to Skype other than hosting a website to make the software available, and "making software tweaks," Skype CEO Niklas Zennstrom said in a recent interview. More than 140,000 new users register each day.

It would cost phone companies still using traditional means untold billions in construction, marketing or merger costs to come close to matching Skype's growth rate. And they are running out of companies to buy. Recently, SBC said it plans to spend \$16 billion to buy AT&T; while Sprint finds \$31 billion to pay for Nextel Communications. Cingular Wireless vaulted to the top of the U.S. carrier heap last year when it bought AT&T Wireless.

Much of Skype's explosive growth has to do with voice over Internet Protocol (VoIP), the software that lets a broadband line double as a phone line. By virtue of its mechanics, VoIP software doesn't anchor a provider like Skype to certain geographic areas, as traditional telephony does. Rather, VoIP is tied to wherever broadband is available.

Once downloaded, Skype users can talk for free with any of the 22 million (and growing) other Skypers located on every continent. An Internet connection is required and calls to the traditional phone network costs extra.

(See www.skype.com).

Excerpted from CNET News.com, 31 January 2005

Phone Execs Tell U.S. Lawmakers Mega-Mergers Won't Harm Consumers

In early March, top executives of some of the nation's largest phone companies tried to assure lawmakers that a spate of mega-mergers wouldn't harm customers and would help more Americans gain access to technologies like high-speed Internet service....

Verizon Communications Inc. chairman Ivan Seidenberg, whose company agreed to buy MCI Inc. for \$6.75 billion in cash and stock last month, said the deals were the result of an industry restructuring in recent years as new competition emerged from Internet, cable and other companies.

The merged Verizon and MCI will possess the "financial strength and technology resources to deliver the broadband, multimedia world of tomorrow to customers and create economic growth," said Seidenberg, seated next to MCI president Michael Capellas.

Modes of communications have changed over the last decade, with Americans increasingly using cell phones at home and using their old landline outlets to plug into internet modems. More Americans are logging on to the World Wide Web using high-speed or wireless

connections and want access to e-mail and video from cell phones or other wireless devices.

"With an industry that has changed so much in 10 years, it should come as little surprise that companies are looking at one another to determine whether partnerships will enable them to be stronger competitors in the digital world," said Rep. Joe Barton, R-Texas, the committee chairman.

The mergers will inevitably lead to higher prices, argued Mark Cooper, research director for the Consumer Federation of America.

"The drumbeat of consolidation and ill-conceived regulatory policies have already undermined" hopes for ongoing and expanding competition, Cooper said.

Several lawmakers questioned the mergers' effects on rural areas. Rep. Barbara Cubin, R-Wyo., said she was skeptical about talk of expanding high-speed Internet access to rural towns when it was difficult just to get a signal on her cell phone when she traveled across her state.

Excerpted from an Associated Press report, 2 March 2005

Is Voice Over the Internet really Free?

BY MARGUERITE REARDON, BEN CHARNY AND JIM HU

To consumer advocacy groups such as the Consumer Federation of America and the Consumers Union, the publisher of Consumer Reports, the proposed mergers are a step back to the time when Ma Bell monopolized the market. The major local-phone providers--the Baby Bells--and those supporting the mergers say competition is not a problem. Cable companies are bringing phone service to their broadband data connections via voice over Internet Protocol. Many early adopters are also embracing VoIP through independent providers such as Vonage and Skype. But these options aren't

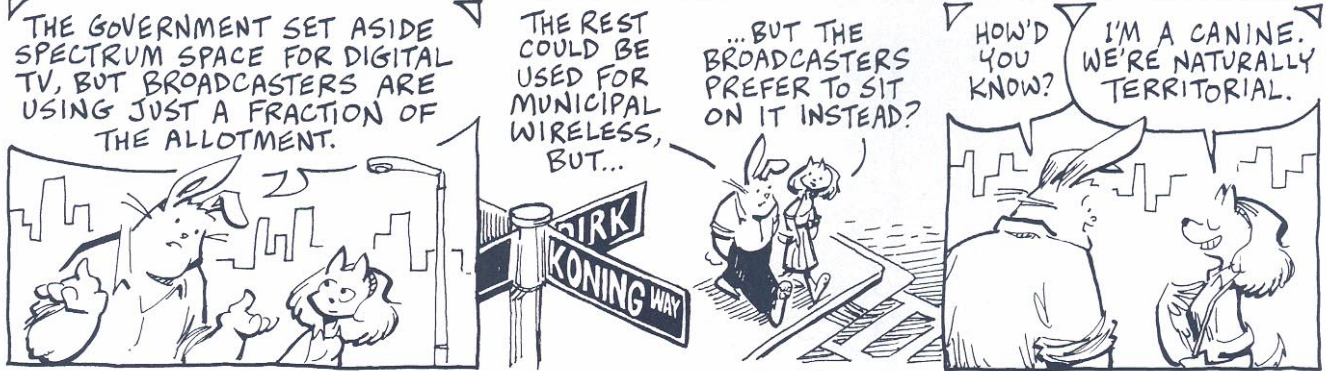
always cheap.

Advocates argue that unless customers are already using broadband, VoIP is not cost-effective. A traditional phone line can cost as little as \$20 per month in some regions, but a VoIP service with the added cost of the broadband connection will typically cost more than three times as much. And because every Baby Bell with the exception of Qwest Communications International requires customers to also pay for a traditional telephone line when they subscribe to DSL, an independent VoIP offering is not really a choice at all.

"VoIP is great for those who can afford a broadband connection or cable television," said DeGraff of the Consumers Union. "But a lot of people in America can't."

— From *Phone Options Expand Despite Telecom Mergers*

CNET News.com, 31 March 2005



Mass Media: From Wireless Telegraphs to Media Giants

When Guglielmo Marconi harnesses radio spectrum in the 1896, he lays the groundwork for the transmission of speech (radio) and images (television). "Wireless mania" follows. Aiming to quell the "chaos" wrought by the wireless telegraph, Congress passes the *Radio Act of 1912*, organizes the new "real estate of the airwaves" into bands and issues licenses.

Commercial monopolies ensue. Government investigations and "break-ups" follow. In 1919 GE forms RCA to take over American Marconi and jointly control the first radio patents with AT&T, Westinghouse and United Fruit. The Federal Trade Commission dissolves the patent cartel in 1926, leading to the creation of the "red" (NBC) and "blue" networks. A 1932 "consent decree" divorces RCA from GE and Westinghouse. In 1941, the Supreme Court orders RCA to sell its "blue" network if it wants to keep NBC. Purchased by the Lifesavers heir, "blue" becomes ABC, joining William Paley's CBS to complete the broadcasting triumvirate that dominates the broadcasting industry until 1985—when each company is bought by a new generation of media companies.

Once the FCC is established in 1934, the Mass Media Division (now known as the Media Division) is established to oversee all new broadcasting technologies.

In 1939, FM joins the AM radio band. Soon after, AT&T introduces the first "toll broadcasting," (now known as commercials). In that same year, television makes

its formal debut in the United States at the World's Fair. Commercial TV broadcasting is the first to be developed, while its educational cousin premieres after World War II—along with UHF, VHF and low power TV frequencies. As a re-transmitter of broadcast signals and user of spectrum, cable television emerges in rural America in the late 1940s and is first included under FCC jurisdiction in 1962. With the transmission of the first satellite TV programs, the C and Ku band join the Mass Media regulatory regime in the late 1960s, paving the way for the 500 channel universe we consume today.

The new mass media prompts a number of high profile battles in the "tug of war" between the public, the industry, regulators, legislators and courts include: the Fairness Doctrine (1949, rendered moot in the 1980s), Cross Ownership prohibitions (1964, 1970, 1975...2003), Public Broadcasting Act (1967), Open Skies Decision (1982), Cable Communications Act of 1984 and the Telecommunications Act of 1996.

The FCC, Congress, Courts, lack of citizen engagement and the media themselves are responsible for issues we confront today:

- ▲ Erosion of public interest content and free speech opportunities (i.e., the Fairness Doctrine, children's programming and affordable political speech),

- ▲ Allocation of free spectrum to broadcasters for their transition from analog to HDTV,

- ▲ Identity crisis of public television as a purveyor of independent media that has moved solidly into the mainstream,

- ▲ Easing of limits on the number of TV and radio outlets that may be owned within one community and massive consolidation of radio and TV ownership in the hands of a few companies such as Clear Channel, Fox, AOL Time Warner, Walt Disney (ABC), General Electric (NBC) and Viacom (CBS and UPN),

- ▲ Auctioning of spectrum to the highest bidders, limiting its use by low power radio stations and community wireless projects, and

- ▲ Efforts to limit municipal authority to operate community-based wireless and broadband networks.

Since the 1980s, broadcast radio and television has lost its dominant share of the viewing audience to "alternative" media delivery systems such as cable, satellite and the internet. But the companies that control the means of production and distribution of media in the United States remain the same, in new partnerships, with one goal: global market reach. While broadcast, cable and satellite companies are still licensed to ensure "the

public convenience and necessity," "public" is now equated with "consumers" and the necessities

and convenience of media owners increasingly dictate the terms of their own regulation.

for more on these issues visit:
www.cctv.org/peoplesguide.htm

OVERVIEW OF THE COMMUNICATIONS ACT of 1934 – Title 47 USC (United States Code)

AND ITS AMENDMENTS, as of 2005 - <http://www.fcc.gov/Reports/1934new.pdf>

GENERAL		Mass Media Regulation				
FCC BUREAUS		Media Bureau				
TITLES		Title 3 – Provisions Related to Radio			Title 6 – Cable Communications	
Common Carrier Regulation Wireline Competition Bureau Wireless Telecommunications Bureau http://www.fcc.gov/wcb/ http://wireless.fcc.gov/		General - http://www.fcc.gov/mb/facts/ ITFS - http://www.nitv.org/html/history1.htm Public Broadcasting - http://www.cpb.org/about/history/uscode.html			http://www.fcc.gov/mb/facts/csgen.html	
47 USC SECTION		47 USC 301	47 USC 332 (c)	47 USC 396	47 USC 335	47 USC 521
SERVICES COVERED BY ACT	Cellular Radio: Amateur, Cellular, Paging, Broadband PCS, Public Safety Carriers: Inter-exchange Carriers/ ILECs, Local Exchange Carriers /LECs, Competitive Access Providers/ CAPs International Circuits Earth Stations	Broadcast Services: AM/FM Radio, UHF/VHF and Low Power TV, Low Power Radio, Municipal Wireless *Broadband Radio Service (Commercial) Educational Broadband Radio Service (EBRS) (Formerly ITFS - Instructional Television Fixed Services)	Telecommunications Demonstrations; the Corporation for Public Broadcasting	Direct Broadcast Satellite	Multipoint Distribution Services Cable Communications FCC first regulates cable in 1962. Cable is included in the broadcast "regime" and ultimately determined to be a "publisher" rather than "common carrier". Cable Communications Policy Act of 1984 is major update of cable regulation.	
FIRST	Communications Act of 1934 Communications and media licenses are granted to promote "the public convenience and necessity".	U.S. Radio Act of 1912 To assign spectrum and issue first licenses. Radio Act of 1927 To address "chaos and Communications Act of 1934 - Rationalizes and licenses the AM radio spectrum. Higher bands added (FM radio, UHF & VHF TV) followed by low power radio and TV. ITFS rules passed in the early 1960s.	Public Broadcasting Act of 1967 Congress funds Corporation for Public Broadcasting and signals statutory commitment to public and educational television.	Communications Satellite Act of 1962: Licenses "hardware in the sky". Direct Broadcast Satellite (DBS) licensed by FCC as video service and competitor for cable in the early 1980's.	Cable Television Consumer Protection and Competition Act of 1992	
PUBLIC INTEREST	1. Open Networks/ Interconnection 2. Universal Service 3. Consumer Protection	1. Public Trusteeship/ Localism 2. Open for diverse viewpoints. 3. Minimum Children's Television standards. 4. National Network in times of crisis.	Classified as "wireline" service with 2. Corporation for Public Broadcasting established to: facilitate development of public telecommunications, reach the most people, promote facilities owned and operated by women and minorities, improve capability of existing public TV and radio license holders through interconnections and program support.	1. "Set aside" of 4-7% of noncommercial capacity 2. Equal Opportunities for political candidates – DBS is subject to same requirements as broadcasters (Section 312 and 315). 3. Children's television rules -extended to DBS in 2003.	1. Localism – Cable companies must be responsive to the needs and interests of the local communities they serve. This is achieved through: 2. Franchise Requirements – a. Funding: Franchise authorities require up to 5% of the cable operator's gross revenue. Often used to fund educational and/or government (PEG) access channels. Additional funds may be required for capital support. b. "Set aside" of noncommercial PEG channels. 3. Leased access – Obligation to lease access to commercial programming services. 4. Quality of Service – Franchising authorities can monitor and enforce quality of service.	

Telecommunications Act of 1996 amended the Communications Act of 1934 – Soon to be updated between 2005-2007

Breaks with sixty-year policy of phone service as a regulated monopoly. Introduces competition into local phone exchanges for dial tone and long distance services through rules for open networks and interconnection.

1. Open Networks/ Interconnection
 – Eliminates barriers to entry by requiring

Assumes that new technologies (i.e. internet) makes "scarcity of the airwaves" less of a problem. In an effort to "promote competition" across media platforms, the Act enables:

1. Media Concentration 50%

1. Channel Capacity
 – Not less than 4 % or more than 7% may be reserved exclusively for noncommercial programming of an "educational or informational nature".

1. Rate Deregulation – Franchise authorities lose the ability to regulate most cable rates.

2. Public Interest Obligations – Cable is still treated as a "publisher" (rather than a common carrier) with a variety of public interest obligations:

Must carry of local broadcasting signals (1992).

Franchise obligations imposed by state or municipal authorities,

Congress passes the Communications Act of 1934, creating the Federal Communications Commission (out of the Federal Radio Commission and Interstate Commerce Commission). The Act rationalizes all U.S. communications policies and procedures into common carriers (landline telephone systems) and radio (uses of electromagnetic spectrum). The FCC is given a broad mandate to grant licenses in order to promote "the public interest, convenience and necessity" and "full power to investigate and study the business of existing companies"

for the Alliance for Community Media, Community Media Review (www.alliancem.org) Spring 2005.

Compiled by Lauren-Glenn Davitian (davitian@cctv.org) and Harold Feld, (http://mediacaccess.org), Media Access Project

<p>IMPACT OF INTERNET AND PUBLIC POSITION 2005</p>	<p>1. Maintain open access across platforms and policy of non-discrimination - Providers of broadband services may not discriminate based on content and may not refuse to connect to other networks.</p> <p>2. Maintain government authority to require community re-investment for the industry's use of the public rights-of-way.</p> <p>3. Fund public communications access through universal service and ensure that everyone in the society has access to the information grid. Rtraditional grants and subsidies could go to communities to build their own networks rather than perpetual subsidy (universal service fund) going to large providers.</p> <p>4. Guarantee the right of municipalities to operate municipal telecommunications services including w/-n and other broadband services.</p>	<p>2. Universal Service - subsidies for those who cannot pay full cost made explicit in the nation gets "just, reasonable and affordable rates" with equal access to "advanced" telecommunications and information services. The Universal Service Fund specifically benefits rural communities, low-income communities, senior citizens, low income people, schools and libraries. Fund and formulas determined by the Joint State-Federal Board.</p> <p>3. Effective Competition - Seeks to prevent Bell phone companies from recasting de facto monopolies by allowing competitors into their traditional markets. Vertical integration is acceptable once there is "effective competition".</p> <p>4. Free spectrum for transition to HDTV - broadcasters provided with additional analog channel (6 MHz) for conversion to digital channels and an unspecified deadline for completion (later set for 2008).</p> <p>5. Public trustee obligations are maintained or license renewals.</p> <p>6. Programming requirements for Candidates for Public Office and Children's programming are maintained to a limited degree.</p>	<p>1. Require Content Diversity</p> <ul style="list-style-type: none"> - To be re-instituted as a condition of broadcast license renewal. Based on the views, active promotion of localism, diversity of programming, demonstration of political speech and meeting educational goals for children and all citizens. <p>2. Political independence of CFB appointees.</p> <p>3. Content diversity - Set-aside should be free of interference from the DBS owner. Utilize PEG model - provider cannot "pick and choose" between the applicants.</p>	<p>1. Fund independent media production - Increase funding for earmark funds for independent media and revenue for public purposes.</p> <p>2. Fund public media and education applications - Allocate a percentage of satellite capacity and gross revenue for public purposes.</p> <p>3. Increase noncommercial set-aside to maximum 7%.</p>	<p>1. Establish open access across platforms and a policy of non-discrimination - Providers of broadband services should not be discriminated against based on content or interconnection.</p> <p>2. Maintain authority of franchising media applications through franchise fees - Ensure that a percentage of capacity and gross revenue are allocated to meet community needs and interests and that the public gains access to digital features of the commercial networks.</p> <p>4. Extend the Program Access Rule - Insure program access to cable competitors and,</p> <p>5. Close the "terrestrial loop-hole" - Cable operators that deliver programming via satellite must make this and all distribution networks (including terrestrial) network available to competitors.</p>	<p>3. Incentives for "cross-platform competition" among services (cable into telephony, phone companies into video service):</p> <ul style="list-style-type: none"> a. Cable companies that own programming as well as systems must offer their programs to competitors at fair prices. b. Telecommunications services offered by cable companies are exempt from franchise regulation. c. Joint ventures between cable and telephone operators offering joint services are discouraged. <p>4. Open Video Systems (OVS) If a cable operator chooses to organize as an OVS, a hybrid between common carrier and cable company, they are exempt from franchise and rate regulation if 2/3ds of the network is open to independent programmers.</p>	<p>Pending resolution of the FCC v. Brand X Internet Services case by the Supreme Court, the status of third party access to cable's broadband network is unclear.</p> <p>Cable modem service classified as an interstate "information service" by the FCC in 2002.</p>
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The Decline of Broadcasters' Public Interest Obligations

BY J.H. SNIDER

The Communications Act of 1934 and its predecessor, the Radio Act of 1927, mandates that the Federal Communications Commission regulate broadcasting in the "public interest, convenience, or necessity." This continues to be the mandate of the FCC, and the "public interest" part of the phrase appears 40 times in the Telecommunications Act of 1996.

The "public interest" mandate is notoriously vague. Contentious debate over its meaning has been almost continuous since passage of the Communications Act 70 years ago. We define this to be "compensation to the public for the use of the public airwaves." This interpretation provides a simple framework to explain how the public interest mandate has evolved since it was first embedded as the foundation of broadcast law.

Regulation of the public airwaves grew out of the chaos that engulfed radio broadcasters in the 1920s. In the early days of unregulated radio, there were too few radio broadcasters to cause interference with each other. But as more radio broadcasters got on the air, the signals of broadcasters began to conflict with each other. As a result, incumbent radio broadcasters begged the government to give them exclusive access to the public airwaves. That way, new broadcasters who might cause them interference would be kept off the airwaves. In return for this exclusive government license, incumbent broadcasters offered to provide public service. These later became known as the broadcasters' "public interest obligations." The trade of public airwaves for public interest obligations was the "social contract" between broadcasters and the public.

In the beginning, the government had very little substantive idea what the broadcasters' public interest obligations might be, so the key feature of the public interest standard was a process: every three years a broadcaster's license to use the public airwaves would expire. At that time there would be a comparative hearing to find out who would get the next three-year license to use the airwaves. All bidders would be on an equal footing, and

the one that offered the best proposal would get the license.

Over time, the FCC began codifying in law the judgments and established a body of law concerning the public interest obligations of the broadcasters. Incumbent broadcasters didn't like public interest obligations, but they didn't necessarily object to their codification because it provided them with more certainty about the standard by which they would be judged at renewal time. And, of course, they continued to use prime broadcast frequencies free of charge.

What broadcasters really hated, however, was the prospect that they might lose their licenses. Licenses to use the airwaves were hugely valuable. In one famous phrase, they were described as a "license to print money." Thus, incumbent broadcasters did everything they could to reduce the threat that at the end of their license term they might lose their license. In other words, they attacked the essence of the public interest standard, which was fundamentally procedural rather than substantive in nature.

Their lobbying was highly successful. Over time, the duration of broadcast licenses was increased from three to five to eight years. And through a series of clever laws over a period of decades, comparative renewals were defanged to the point that it became virtually impossible for an incumbent broadcaster to lose his license. As the renewal process became a charade and all the laws that had given it substance—such as the ascertainment and disclosure obligations were discarded, broadcasters began to make more and more claims on the government in the name of those same public interest obligations.

Today, most public interest obligations are neither verifiable nor enforceable. Broadcasters continue to be willing to take on public interest obligations that are not costly and do not risk license revocation. The most publicized public interest obligations typically concern restrictions on sex and violence on TV. Periodic

Congressional hearings generate headlines but rarely any substantive legislation. The recent proposed increase in FCC fines for indecent programming is an exception to this long established pattern.

Perhaps the most rigorous and best-enforced broadcaster public interest obligations are the political broadcasting rules. Members of Congress care deeply about these rules because they affect their reelection prospects. As a result, these rules are relatively clear, detailed, and verifiable. Most rules are designed to prevent broadcasters from using their control of the primary gateway into constituents' homes to favor one candidate over another. Broadcasters are required to keep public files of their political rates and to sell all political ads at the "lowest unit charge" for a comparable time slot. These two laws together prevent broadcasters from secretly subsidizing one candidate at the expense of another.

Thus, incumbent broadcasters did everything they could to reduce the threat that at the end of their license term they might lose their license. In other words, they attacked the essence of the public interest standard, which was fundamentally procedural rather than substantive in nature.

Despite all these cross currents, the long-term trend has been clear: *meaningful public interest obligations have declined over time*. This trend has occasionally been punctuated by new public interest obligations. As broadcasters seek tens of billions of dollars worth of new spectrum rights, we might well be entering a period of increased obligations. But if the past is any guide, these obligations will later be renegotiated, reduced, and in many cases rendered meaningless or eliminated altogether.

J.H. Snider [snider@newamerica.net] is a senior research fellow at the Spectrum Policy Program/New America Foundation. Snider is the author of *Speak Softly and Carry a Big Stick: How Local TV Broadcasters Exert Political Power*, iUniverse, 2005.

For full text of this article:
http://www.newamerica.net/Download_Docs/pdfs/Pub_File_1518_1.pdf

The Public Interest Standard and Broadcast Television's Digital Transition

From the *Citizen's Guide to the Public Interest Obligations of Digital Television Broadcasters*, The Benton Foundation, www.benton.org, 2005

Public interest groups are now asking regulators to more clearly spell out what broadcasters should be doing to benefit the public in return for the use of the public's airwaves. As the nation transitions to digital television, we must decide whether our newest television technologies can support our oldest and most time-honored values of democracy, diversity, localism, and education. It is time to put the remote control back into the public's hands and once again give the public greater control over the children they raise, the kind of democracy they participate in, and the security they deserve.

Background: The nation's 1,600 television stations are converting from traditional analog technology to a digital television format. Digital television (DTV) is a new, more efficient technology for transmitting and receiving broadcast television signals. Digital signals are superior to analog (traditional TV) signals because of their greater accuracy, versatility, efficiency, and interoperability with other electronic media. Because digital signals can carry more information, they can mean more channels, clearer pictures, better sounds, and advanced new functionality.

All of us own the airwaves that broadcasters use to provide both analog and digital TV signals. Broadcasters have been given this special privilege—a license—for free, and in return are required by law to serve the public's needs. Under the Telecommunications Act of 1996, the amount of spectrum given to television station owners was doubled. The policy rationale for this was to enable them to convert their signals from an analog to a digital format. When at least 85 percent of households in a broadcasting market can receive digital signals, the spectrum currently used for analog channels is to be returned to the government for public safety uses, with some spectrum to be auctioned off to the highest bidder and other spectrum used for unlicensed pur-

Consumers deserve to know how broadcasters will serve their day-to-day television needs—healthy programming for children, healthy programming for our democracy, healthy programming for our communities, and as much information about the TV that comes into our living rooms as the food that comes into our kitchens.

poses. Digital television makes broadcasting more competitive and valuable in the market, and should enable broadcasters to better serve basic public needs.

A primary policy rationale for the transition to digital television is high-definition television, or HDTV. This transmission standard contains up to six times more data than conventional television signals and at least twice the picture resolution, making HDTV images substantially more vivid and engaging, and enhanced by five discrete channels of CD-quality audio.

The move to DTV technology can also significantly expand the number of channels stations can simultaneously broadcast. Instead of sending an HDTV signal, a broadcast station can send as many as six digital standard-definition television (SDTV) signals. Although SDTV images are not as sharp as HDTV, they are superior to existing television images. This "multicasting" capacity could allow broadcasters to compete with other multi-channel media such as cable and direct broadcast satellite systems.

Digital TV also enables interactive services through additional data streams that can be delivered to the consumer. Digital television signals can be picked up by both digital televisions and computers and can make broadcasters into datacasters. The data capacity of DTV makes possible services such as subscription television programming, computer software distribution, teletext, and interactive services, including revenue-producing offerings such as stock prices, sports scores, classified advertising, paging services, "zoned" news reports, advertising targeted to specific television sets, "time-shifted" video programming, and closed-circuit television.

But DTV can offer more than better pictures, more channels, and niche serv-

ices. To date, broadcasters have argued that market forces, self-regulation, and voluntary actions would be more than sufficient for them to serve the public—but time has shown it's not enough. Consumers deserve to know how broadcasters will serve their day-to-day television needs—healthy programming for children, healthy programming for our democracy, healthy programming for our communities, and as much information about the TV that comes into our living rooms as the food that comes into our kitchens.

Proposed Solutions: A powerful alliance of public policy groups, media activists and grassroots organizers—the Public Interest, Public Airwaves Coalition—has presented the FCC a proposal to help ensure broadcasters:

- ▲ Air a minimum of three hours per week of local civic or electoral affairs programming on the most-watched channel they operate.

- ▲ Promote the FCC's often-stated goal of diverse viewpoints and voices on television by ensuring that independent producers provide a minimum of 25 percent of their most-watched channel's prime-time schedule.

- ▲ Tell the public how they are serving the interests of their audiences by making this information available in a standardized format, not only at the station, but posted on the station's own website.

To achieve these goals, parents, voters, community leaders, activists, and concerned citizens need to pick up the television policy remote control—and change the tune coming from policymakers in Washington. It takes writing letters, picking up the phone, and letting policymakers know that you want reality-based public interest obligations that can help make a difference in your life.

Reinventing Public Media

"We wanted a forum for common people to express themselves. We wanted a way to convey our dreams, our history and our rich culture."

— **Hugo Morales, founder, Radio Bilingüe**

BY MARTHA WALLNER

What would a media system look like that wasn't structured around the power of a few large media conglomerates? As we fight against media consolidation in the U.S. it is important to investigate the alternative models of media practice that already exist. Two of these are Radio Bilingüe (pronounced bee-lin-gway) and ITVS, the Independent Television Service. While there are many more examples, including the work of people in public access cable and the more recent international phenomena, Indymedia, Radio Bilingüe and ITVS are significant because they represent innovation within the realm of public broadcasting.

Radio Bilingüe

Radio Bilingüe was founded in 1976 by a group of farm workers, students and activists and started broadcasting as a full power public radio station, KSJV in Fresno, California. The project's prime mover, Hugo Morales, came to California from Oaxaca, Mexico with his parents to pick crops. After graduating from Harvard Law School he returned to California and spent four years organizing the project that became Radio Bilingüe.

Twenty five years later, Radio Bilingüe has grown into a radio network with five full powered stations FM stations covering the San Joaquin, Salinas and Imperial Valleys in California and over 70 affiliates in the United States, Mexico and Puerto Rico. Many of the affiliates are located in

agricultural areas like the Rio Grande Valley of Texas and the Yakima Valley of Washington. Most of the programming is distributed by satellite to its affiliates and in 2000 they began streaming on the internet. One of its newest affiliates is Radio Conciencia, an LPFM station run by farmworkers in Immokalee, Florida. The network supports its work with grants from the Corporation for Public

media and an unrelenting wave of anti-immigrant initiatives in California.

A distinguishing feature of many Radio Bilingüe programs is the active roll played by its audience. Many of the network's programs are interactive with listeners participating via a toll free 800 number. Unlike many other talk shows that include call-in on the radio dial, these audience members engage in prob-

lem solving, information sharing and analysis. On *La Cultura Cura* (culture cures), health experts provide information on diabetes and diet and discuss how mothers can protect their children from pesticide-contaminated field clothes.

Radio Bilingüe programming often tackles issues neglected by mainstream Spanish language media, particularly on

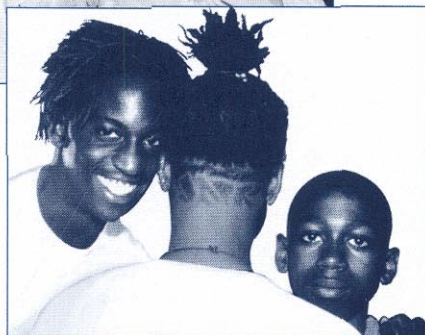
the daily program, *Línea Abierta* (Open Line or Open Border). A recent edition, *Latinos and the War*, featured the authors of a report that showed that Latinos are more opposed to the war than the general population. The program included an

interview with the mother of Sgt. Camilo Mejía, the first Iraqi war veteran to be jailed for refusing to return to war.

In the newly launched project Oaxacalifornia, Radio Bilingüe listeners can even speak with their family members on the other side of the border. Director of broadcasting María Eraña described the project, which simulcasts with stations in Mexico, as an effort to "follow the steps of our listeners, to go to where their migration starts to where they



Above, a still from Tami Gold and Kelly Anderson's documentary *Every Mother's Son*, funded by ITVS. At right, a still from Marlon Riggs documentary, *Black Is...Black Ain't*, funded by ITVS.



Broadcasting, private foundations and earned income from the annual ¡Viva el Mariachi! Festival held in Fresno, California.

Despite the fact that in California, over two-thirds of the state's growing Latino population were born in Mexico or are of Mexican descent, Radio Bilingüe outlets are the only ones, commercial or noncommercial, owned or controlled by members of these communities. Radio Bilingüe has grown against a backdrop of rapid consolidation in Spanish language

1927 – Following the first long-distance TV transmission sent by Bell Labs from Washington DC to New York over cable, AT&T President Walter Gifford comments: "Today we are to witness another milestone in the conquest of nature by science....The elaborateness of the equipment...precludes any present possibility of television being available in homes and offices generally. What its practical use may be I shall leave to your imagination. I am confident, however, that in many ways and in due time, it will be found to add substantially to human comfort and happiness."

are today." Another program, *La Hora Mixteca*, reaches a part of the listening audience which, Eraña explains, has the hardest time in the U.S. since they are the poorest and speak the indigenous language, Mixtec. The network also produces a daily news service, *Noticiero Latino*, with correspondents across the nation, Mexico and Latin America as well as a range of music, culture and public affairs programs in Spanish, Mixtec and Hmong.

If you've seen programming on PBS that presented perspectives that you don't usually hear on PBS or commercial broadcasting you were probably watching a program that was funded by ITVS. ITVS was created in 1991 to fund independently produced programs that are risk-taking and that address the needs of underserved or underrepresented audiences. Today ITVS distributes about \$8 million dollars a year to independent producers and is one of the few sources of funding for independent production in the U.S. Unlike conventional public or commercial broadcasting, program ideas are solicited through an open call and selected by a peer panel review process.

ITVS did not just drop from the sky. Sick and tired with public television's denial of funding and its attempts to control programming editorially, independent producers joined forces with community activists to press for legislation that would support a truly independent programming service. In 1989, after a decade long struggle, Congress passed legislation that directed the Corporation for Public Broadcasting/CPB to negotiate with a national coalition of independent producers to establish ITVS.

Since its founding, ITVS has distributed over \$140 million dollars to support genres and subjects that most public broadcasting organizations don't have the capacity or the will to produce. For example, ITVS supported Marlon Riggs' documentary *Black Is...Black Ain't*, despite the fact that Riggs' previous documentary, *Tongues Untied*, was cited by conservatives like Jesse Helms and Pat Buchanan as one reason to defund the National Endowment for the Arts. Elia Suleiman received support for *Chronicles of a Disappearance*, a film whose subject matter, the impact of the Israeli occupation on Palestinians, has received scant attention by regular broadcasters.

The harvest of ITVS supported productions is impressive, but equally important

FOTO BY DANIEL DEL SOLAR



Eva Hernandez, broadcasting from XETLA, a Radio Bilingüe affiliate in Oaxaca, Mexico.

are the efforts ITVS has made to distribute the work. In addition to providing marketing support to build an audience for the public broadcasting of programs, ITVS's Community Connections Project (CCP), develops outreach campaigns to insure that the work has impact. These campaigns follow the long established practice of many independent producers who create work in conjunction with broader activities focused on social change.

Since it is funded by CPB, you might think the programs would automatically be distributed nationally by public television. Think again. The law forced CPB to fork over the money to ITVS, but it is still up to PBS, the distribution arm of public television, to decide whether or not to distribute the programs and local PBS affiliates can opt in or out on carrying individual programs or series. This put ITVS in a very tough position, particularly considering that they are supposed to be funding programs first and foremost for public television distribution. ITVS persevered and gradually carriage rates improved. On average, two-third of ITVS supported programs are now carried nationally and most other productions are carried by a large number of PBS affiliates. Many of the programs are featured on *POV* and the series, *Independent Lens*.

The Future of Public Media

Since its inception in 1967, the public broadcasting system has been incredibly resistant to experimentation and truly democratic governance, due, in part, to its lack of

political and financial independence. Despite this, ITVS and Radio Bilingüe, demonstrate that there are other ways to organize public media. These models are important in light of the current debates about the future of media in this country, including the question of how to reallocate the broadcast spectrum.

Public policy could dictate that a much greater part of this spectrum be

reserved for public use and that all or part of the revenue from commercial use, support public media.

Not surprisingly, the public broadcasting system has positioned itself as the representative of all public media and the heir apparent to any windfalls that may result from spectrum reallocation. Now is the time for public media advocates to push for a broader vision of public media, one that includes more resources for ITVS and Radio Bilingüe and all of the other projects that dare, against all odds, to reinvent electronic space. As media activist DeeDee Halleck pointed out during earlier efforts to democratize public broadcasting, "The crucial resource at issue here is not the spectrum, it is the human mind."

Martha Wallner [mwallner@lmi.net] is a media activist and consultant, co-founder of Deep Dish TV and, among many pursuits, Martha is currently working on a primer that demystifies media policy for teachers and activists.

To listen to Radio Bilingüe go to:
www.radiobilingue.org

To find out about ITVS go to: www.itvs.org

To learn more about the potential use of spectrum for new public uses go to:

www.newamerica.net/index.cfm?pg=section&secID=3 and www.democraticmedia.org/news/PBSpanel.html

ITVS/Independent Television Service

ITVS is supposed to shake you up, to address areas of deep taboo no one is willing to talk about, to give voice to communities which have been historically silenced. America needs to realize the value of having a communicative institution designed to challenge us and upset us. There is value in doing something more than making culture answerable to the marketplace.

— Marlon Riggs



Community Internet Meets Community Media

BY BEN SCOTT

In the 1990s, the prophetic mantra about the Internet told us that it would change everything. The problem of scarce access to electronic media would be over. Every individual with a computer and some spare time could become a media producer—a shift that would transform the face of news and entertainment.

Ten years later, we can see that the prophets were on to something, but not exactly what they'd predicted. The Internet has changed a great deal about the way we use and produce media. The rise of the blogosphere and the broad use of online music and video are possible because of Independent Media Centers (IMC), flash animation, bit torrent, and numerous other network technologies. Cheap and unlimited distribution is an extraordinary asset for public media. But the upsurge in alternative content has not dismantled the structure of the system. History repeats itself. The corporate masters of the old media remain the corporate masters of the new media.

The change is more fundamental and more troubling: oligopoly control is shifting away from the content layer and taking root even more firmly in the conduit layer. As all digital media converges into the same pipes, network control equals content control. Content competition is ultimately controlled by the platform owner. This is not news to public access centers, which have been dealing with cable network gatekeepers for decades. But it is news when applied to all media

delivered over the Internet.

Not surprisingly, we are rapidly moving toward a two-wire world: duopolies of communications held by cable and telephone giants. Each industry offers a triple play of voice, video, and data. Neither are interested in open access or network neutrality. Both seek to set prices high. Proposed mergers between SBC/AT&T, MCI/Verizon, and the interest in Adelphia by Comcast and Time Warner, add to the mix. Don't forget the consolidation of the cellular industry and the commercial grab for spectrum. The result? High-priced commercial wireless networks that are simply mobile alternatives to their wired parents.

As the capacity of these networks increases, the strength and future of alternative media depends upon open access, adequate funding and political attention. Digital platforms give us plenty of capacity, enabled by the rise of internet protocols (IP) that move audio and video over digital networks. If we are to take advantage of this expanded network, we require resources to produce and acquire community-based content and a prominent platform in the public sphere to attract viewers, listeners and readers who want more than mainstream content. It won't be easy. The conduit gatekeepers of today's electronic media are squeezing the independent and alternative media onto the least desirable platform on the least desirable terms. Our challenge is to find ways to leverage public platforms and expand our presence.

Community-based media makers spent the last generation becoming con-

tent producers. Today's technology makes it possible for us to become our own network providers. How? Wireless broadband can be provided through low-cost, high-speed, community operated local area networks—uniting the local production of content with local control of the conduit. If this new technology is backed by public interest communications policy, we have an opportunity to transform the U.S. media landscape.

New wireless networks crop up across the country every day. Clouds of wireless connectivity now cover the business districts in many urban areas and entire towns in rural America. New models, that partner cities with community groups, schools, libraries, and neighborhoods to pool resources for shared connectivity, are in the works. There are 50 existing municipal wireless systems in the U.S. and three times that in their planning stages. Taken together, these wireless networks offer the potential for broadband service as a public utility—just like sewer, gas, electric, or the city streets. Lower cost means greater access to the technology. Local control means greater public engagement and interest in the content on the network.

The promise for alternative media lies with a new architecture that integrates the brave new world of a video, audio, and print blogospheres—a public network for public media. How? Mesh networks—the most innovative of the new wireless broadband technologies. Pint-sized antennas that transmit the broadband cloud of the network are arrayed across a town or city like a web, or mesh.

The cloud of connectivity distributes data, voice, video, and audio across mesh of the network. The mesh is versatile, sending data around obstacles and automatically finding new pathways that best utilize all of the network's capacity.

Much like the Internet itself: the more nodes in the network, the more robust the system becomes.

How is this different from the cell phone industry's promise of offering wireless broadband from nearby towers? It is different in two critical ways. One: mesh networks are inexpensive enough for local people to build, own, and operate. They are under construction in towns all across the country. Two: mesh networks create not only access to the internet, but also to an intranet, a high speed local area network that permits high capacity data transfers within the community. In addition to granting access to the world wide web, the local mesh also serves as a platform for independent and alternative media by and for the locality.

Central to this technology is public control. Community-based wireless networks increase the number of speakers in the public sphere by decreasing the cost and lowering barriers to access. Local communities can offer citizens streaming audio and video for internet radio stations, town meetings, art shows, telemedicine, distance education, local government, PTA meetings, music festivals, church services, sporting events, and on and on. Most exciting will be the new media forms that develop to take advantage of this expanded networking capability podcasting is a good example.

The leap from content access to conduit access is public access media on steroids. We can look forward to a fundamental, qualitative shift—from the simple addition of more PEG channels on existing commercial networks to an autonomous public platform that distributes public content to its own AND existing networks. Wireless broadband offers the opportunity to channel content from all over the world (using bit torrent and other compression technologies) for

As long as policymakers and others see networks as a business, not a public good, we will be struggling for what should be fundamental and universal access to information services.

— Municipal Wireless, Innovation, and Politics,

John Lebowsky, February 2005

download and redistribution over the unlimited channel universe of a community network. It offers a chance to cross-promote with PEG channels and raise the profile of alternative media. When we control our own networks we can offer unlimited content-on-demand to devices that range from living room TV sets to cell phones to ipods.

Perhaps most importantly, we can build these networks within the existing media system. We can leverage our current PEG content to mobilize a vast new creative pool of producers. We can leverage our franchise agreements to gain network capacity—not simply for digital video channels on the cable or internet based delivery system, but for bandwidth to run our community internet. Some access centers have already secured variations of these assets. It's time to put them into practice! In a 1000-channel universe, innovation has the best chance of raising awareness and promoting social change.

Admittedly, there are obstacles. Are the cable/phone giants fighting against this? You bet. For starters, the conduit kings are lobbying aggressively to remove open access and common carriage regulation from federal statutes. The rewrite of the 1996 Telecommunications Act will be the ultimate battleground on these issues. If media/communications duopolies are not obliged to offer access to the fiber networks that form the internet's infrastructure, a handful of corporations will maintain gatekeeper power over community internet. The industry is lobbying in many state capitals to eliminate the authority of municipalities to build and

operate broadband networks. These anti-municipal campaigns are a direct assault on competition—the emergence of viable, public network alternatives. The challenge to conduit control is a real one. In the past few years, hundreds of municipal governments have explored how to directly provide high-speed broadband through local networks. Whether building a wireless system, installing fiber directly to homes, or exploring broadband over power lines—or some combination of these options—local communities are finding they can get better service for less money if they do it themselves.

The idea that community wireless networks can serve up a new platform for local, alternative and independent media is no fool's prophesy. For years, many media activists have sought strategies that moved beyond limited access to the mainstream system, looking for ways to build for ourselves what the market fails to provide. We can look at the successes of our best public access centers, low power FM radio stations, independent media centers, community technology centers and citizen reporters in the blogosphere

to see how real our opportunities are to make change. We can combine boldness, courage and imagination with the new technologies of that enable low-cost community networks. Public control of tomorrow's broadband represents a big step up on the shoulders of these pioneers—moves us closer to realizing the dream of public media.

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**for more on these issues visit:
www.cctv.org/peoplesguide.htm**

1934 – Congress passes the Communications Act of 1934, creating the Federal Communications Commission (out of the Federal Radio Commission and Interstate Commerce Commission). The Act rationalizes all U.S. communications policies and procedures into common carriers (landline telephone systems) and radio (uses of electromagnetic spectrum). The FCC is given a broad mandate to grant licenses in order to promote "the public interest, convenience and necessity" and "full power to investigate and study the business of existing companies".

Low Power FM works with Public Access to Reach Communities

BY JOSHUA EICHEN

Throughout the United States, public access stations are learning to diversify the media they offer to their communities, and the ways that community members can take charge and become citizen producers and reporters. Nearly a dozen public access stations have applied for a Low Power FM (LPFM) radio license—a 100-watt, not-for-profit, grassroots service pioneered by the Federal Communications Commission in 2000. Today's LPFM movement is characterized by its diversity of voices—stations are operated by schools, churches, highway authorities, farm workers, and environmental activists. PEG stations use community radio as an entirely unique way to expand their reach and service in their communities.

"I've talked to directors of PEG stations all around the country who've told me the same thing: with the fragility of PEG contract renegotiations, it is great for public access channels to branch out, and re-vision themselves as community media centers that provide access to all sorts of media, such as internet, library materials, newsletters and radio stations," said Pete Tridish, technical director of the Prometheus Radio Project, an advocacy group for Low Power FM radio. "We're seeing PEG stations able to bring more volunteers and community support into their buildings as they build these stations, and new community media enthusiasts can hear community programs in their cars, as they drive to work."

Davis Community Television (DCTV) ventured into broadcasting with KDRT, a LPFM station serving their Northern Californian community. Executive Director of DCTV Kari Peterson has already been able to see the changes. "The addition of LPFM to our public access television oper-

Working with Media Access Project, Prometheus Radio and its allies are successfully staking a claim for public access to the airwaves. www.prometheusradio.org provides inspirational and simple explanations of major policy victories including the:

- ▲ Permanent stay of the FCC's lifting of media ownership limits,
- ▲ Temporary freeze of translator construction permits that take up spots on the dial that low power radio can otherwise use, and
- ▲ Proposed Local Community Radio Act of 2005, as well as an
- ▲ Overview of community wireless and the value of unlicensed spectrum for public purposes.

ation has been significant in a number of ways. Adding radio to our operation has elevated DCTV's visibility in the community. It has suddenly made our programming ubiquitous; before only 40 percent of the community could tune in. Our job is much easier with the addition of radio."

To Sakura Saunders, a member of the KDRT working group which helped midwife the radio station into existence, the PEG philosophy is "one the best philosophies" to guide a new LPFM station. KDRT Station Director and DCTV Trainer Jeff Shaw says KDRT is helping ease the transformation of DCTV into a place where folks go to make media.

Furthermore, "it is relieving some of the pressures of running a public access station, since radio is less intimidating to potential producers. The result is that we can help more people get their message out—many who might otherwise get bogged down in TV production."

PEG stations are joining the LPFM movement in droves—as station licensees, like KDRT and Maui Community Television in Hawaii—and as advocates. To learn how you can work to bring a Low Power FM radio station to your PEG center, visit

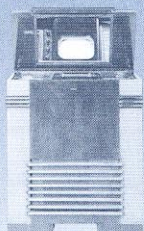
<http://www.prometheusradio.org> today!
Joshua Eichen [joshua@prometheusradio.org] is a volunteer with the Prometheus Radio Project

Radio Revolution

The radio revolution is the single greatest communications policy issue of the coming decade, and perhaps the coming century. The economics of entire industries could be transformed. Every significant public policy challenge could be implicated: competition; innovation; investment; diversity of programming; job creation; equality of access; coverage for rural and underserved areas; and promotion of education, health care, local communities, public safety, and national security. Yet the benefits of the paradigm shift are not guaranteed. Exploiting the radio revolution will require creativity and risk-taking by both the private and public sectors. At every step, there will be choices between preserving the status quo and unleashing the forces of change. The right answers will seem obvious only in hindsight.

Radio Revolution: The Coming Age of Unlicensed Wireless, Kevin Werback, New America Foundation, December 2003

<http://www.newamerica.net/index.cfm?pg=article&DocID=1427>



1945 - FCC moves FM "upstairs" in radio spectrum. Television uses more radio spectrum space than any other form of electromagnetic communication. One TV channel can hold thirty FM radio stations. As television grows in popularity after the Second World War, the FCC assigns channels 1 through 13 in the VHF (Very High Frequency).

1939 – [left] The first television, made by RCA, sold to the public cost \$600.



Cable Communications: From the Back Hills to the Front Lines

When World War II ends in 1945, weapons factories retool to produce a new generation of consumer goods—including black and white television sets. Prices for consumer TVs drop from \$1000 to \$385—but the market remains limited to cities with local broadcast affiliates. Rural reception is blocked by mountains and hilltops. To promote TV sales, enterprising appliance salesmen invent a new TV distribution network—cable television is born.



Working alone or in small partnerships, these entrepreneurs build community antenna systems (CATV) in the rolling hills of Ohio, Pennsylvania and Vermont in the late 1940s and early 1950s. Stringing coaxial cable from microwave towers through towns and villages, the early cable system operators re-deliver broadcast signals from nearby urban markets.

It takes a decade for the FCC to regulate cable TV (1962). As smaller companies merge into multi-system operators (MSOs) serving dozens of communities, cable becomes a media industry. The advent of satellite TV transmission and later FCC permission to retransmit distant broadcast signals (1972) enable MSOs to repackage news and entertainment,

attracting a new generation of urban cable subscribers. In that same year, the U.S. Supreme Court rules that cable is more like a publisher than a telephone company (*Midwest Video v. FCC*) and opens the cable dial for the industry to become a programming titan.

The launch of pay-per-view satellite programming (HBO's 1972 Ali/Frazier fight) and the advent of specialized services such as CNN, ESPN and MTV in the early 1980s, increases the demand for cable and leads to a flurry of franchise negotiations in cities across the U.S. MSO profits begin to grow, generating cash to purchase new programming and other MSOs. The cable giants emerge—TCI, Cox, Time Warner—and increase their media holdings and market share without serious local competition.

In the 1990s, fiber optic cable becomes an affordable replacement for coaxial cable. Fiber delivers 65,000 times more capacity than coax. Working with telecommunications companies (such as AT&T) and program producers (such as

Disney), the cable operators expand their use of the public rights-of-way to build the modern cable system—able to carry hundreds of digital video channels, interactive services and digital content into U.S. living rooms. As a result, the cable industry beats the common carriers (telcos) in the race to deliver

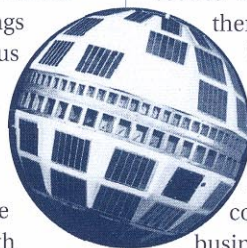
broadband the “final 10 feet” into our homes. Two industry bank-rolled digital services, @Home and Road Runner, establish themselves as examples of how cable plans to control both distribution (conduit) and production (content)—and lays down the gauntlet for the modern media industry.

As the century turns, cable giants position themselves to be the primary provider of broadband services into the home (in 2004 they serve 64 percent of the customers—64 million homes). Central to their strategy is further de-regulation of U.S. cable policy. By eliminating public service requirements outlined in the 1996 *Telecommunications Act* and associated FCC and Court decisions, cable operators seek to “level the playing field” and further maximize their profits.

Today we witness countless examples of the cable industry's active efforts to back-peddle on their public interests obligations. At the same time, phone companies seek to enter the video business and sidestep local franchising with a national regulatory regime. At the end of the day, the telcos will join the cable operators in their:

- ▲ Refusal to support PEG access in local franchise negotiations,
- ▲ Sponsorship of state legislation that limits the collection of franchise fees and prohibits municipal broadband services, and,

for more on these issues visit:
www.cctv.org/peoplesguide.htm



Brand-X and the future of Broadband

BY OM MALIK

The Supreme Court heard the Brand-X case (*FCC v. Brand X Internet Service*) on March 29, 2005 and this all important case is going to decide, to a large extent, the future of broadband competition. Brand X puts three major associations against the consumers and independent internet service providers (ISPs). The FCC, National Cable & Telecommunications Association, (the mouth piece for the likes of Comcast Corp. and Time Warner Inc.) want to limit access to the cable networks to independent ISPs, while folks like Earthlink say that they should be allowed to sell their broadband

services over cable networks.

As context, the problems started back in 1998 when AT&T bought Telecommunications Inc. (TCI). Portland, Oregon officials refused to transfer the franchise to AT&T unless it allowed independent ISPs to offer service on the new cable network. AT&T said no, but lost the case in US district court. Lost again, but Ma Bell turned to the 9th U.S. Circuit Court of Appeals. AT&T won this time, because a three judge panel decided that Portland was trying to regulate the cable network as a telecommunications service. In March 2002, the FCC said that cable modem service was an Interstate information service, and thus not covered by open access rules. As a bonus, it also said the cable guys don't have to pay franchise fees to cities on modem revenues. Cities raised holy hell and say that loss of revenue was costing them \$500 million a year.

More paper work, more appeals and one of them was from a tiny Santa Monica

ISP, Brand X Internet Services. The 9th Circuit Court that forced cable guys to open access to their networks heard the case, and, in a 2-1 decision, refused to reconsider the matter and send it back to FCC. The Justice Department, on behalf of FCC and the NCTA, went to U.S. High Court to appeal the decision. Given the national importance of the case, it got kicked up to the Supreme Court.

Editors Note: On June 29th 2005, the Supreme court upheld the FCC's classification of cable broadband service as an "information service", subject to less stringent regulation than "telecommunications services" and not required to interconnect with their competitors. It will not be long before the telcos seek the same protection.

For full the opinion see: www.supremecourtus.gov/opinions/04pdf/04-277.pdf

Excerpted from: www.gigaom.com/2005/03/30/brand-x-and-the-future-of-broadband/

Cable Links:

For more on the history of cable television and cable policy:

<http://www.cablecenter.org/history/index.cfm>

<http://inventors.about.com/library/inventors/bltelevision.htm>

For an informative look at the history of public access television, see Doug Kellner's recent piece, "Public Access Television and the Struggle for Democracy," <http://www.gseis.ucla.edu/faculty/kellner/>

Multi Channel News is the cable industry's "book of record" and reports on breaking www.multichannel.com

Activists

In the last decade, a new generation of media reform activists joined the Alliance for Community Media (www.alliancecm.com) in the struggle to preserve public access and to broaden the fight to all telecommunications carriers. Several of them focus on cable issues and offer community media workers invaluable information and organizing tools.

The Center for Digital Democracy (www.democraticmedia.org) recently published the *Cable Community Cookbook: A Citizens Guide to Cable Franchise Negotiations* (March 2005).

Free Press (www.freepress.net) collaborated with a variety of access advocates across the country to produce www.ourcable.org, an online resource for activists designed to track and respond to local, state and national threats to access and quality cable service.

Grass Roots Cable Coalition (www.grassrootscable.org) includes Media Tank in Philadelphia (www.mediatank.org), **Reclaim the Media** (www.reclaimthedia.org) in Seattle and **Media Alliance** (www.media-alliance.org) in San Francisco and **Media Democracy** in Chicago (www.mediademocracychicago.org).

NATOA – National Association of Telecommunications Officers and Advisors (www.natoa.org). The mission of NATOA is to support and serve the telecommunications interests and needs of local governments.

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CABLE continued from page 31

▲ Migration of cable video services from the mildly regulated, analog/digital cable system to the unregulated internet platform.

Cable's local roots in the rural hills of the United States have been pulled up by the same forces of consolidation acting throughout our economy. The pending sale of Adelphia Cable to Comcast and Time Warner combines the nation's largest cable companies into an effective duopoly that threatens to cement the control of both conduit and content in the hands of two, interlocking MSO's that control 50 percent of the cable TV marketplace. See www.cctv.org/comcast.htm

Public Interest Objectives. The fact remains: whether cable services use the analog frequencies or internet protocols, they continue to use the public-rights-of-way. Community reinvestment remains to the prime public interest position for cable television. We must work to:

▲ Maintain local authority in franchising of all video providers; protect and expand public and leased access to the commercial features of the cable network through a percentage of bandwidth and access to specific applications (such as HDTV, audio channels or video on demand),

▲ Allocate a minimum of 5 percent of cable's gross revenues for community purposes, preserve the right of municipalities to start their own cable and broadband systems,

▲ Require that cable operators maintain open networks that can be used by competing internet service providers, and,

▲ Promote municipal and cooperative ownership of cable and broadband services.

Our Cable: Broadband for the People

BY RUSS NEWMAN

Kevin Martin's arrival as the new chairman of the FCC signals a new chapter in the ongoing debate about media ownership. As telecommunications and cable giants both move to provide a bundled triple play of services—voice, video, and Internet access—the stakes (that is, potential for profit) increase exponentially.

The 1999 purchase of TCI by AT&T for \$48 billion was a historic merger of telephone and cable giants—combining long-distance, wireless and Internet services units with cable, telecommunications, and high-speed Internet businesses. Within one year, AT&T sold the new AT&T Broadband division to Comcast, aiding in its quest to become the largest cable company the country. If Comcast's and Time Warner's purchase of Adelphia Cable is approved by the FCC and local franchising authorities, the two companies will control 50 percent of cabled households in the United States. This duopoly's influence over the content we see and our access to the conduit we access for both video and broadband services will be unparalleled.

The 2002 FCC decision to liberate all broadband internet providers (cable AND telecommunications companies) from open access requirements is yet another step to increase the control of conduit gatekeepers (cable and telecommunications companies) over the functionality their wires AND the content that passes through them. If the Supreme Court upholds this ruling, independent providers of dial-up and high-speed internet access will be shut out from these "proprietary" networks and thousands of internet service providers (ISPs) will close. You can predict the result: fewer broadband choices for consumers and higher prices.

While consumers and local economies are clamoring for broadband internet access, today's Media Giants are changing their business model from cable company (regulated by local and state franchising authorities) to broadband provider (de-regulated by the FCC). They are actively working to become tomorrow's Conduit Giants—delivering digital content-on-demand to the TV in your living room or the PDA in your pocket. In this new converged world, franchise agreements between communities and their cable providers is one of the last arenas for cities and states to demand that the Conduit Giants—the gatekeepers—make room for free speech, diverse viewpoints and independent media. It is essential, in the rewrite of the 1996 Telecommunications Act, that we hold on to—and expand—this authority.

Communities across the country are waking up. They realize that they must obtain more from companies that dig up their streets and use their public rights-of-way for profit. These communities are advocating for reinvestment that goes beyond I-Nets

and PEG access—to include a percentage of available bandwidth and a protected revenue stream to service community media needs. Many of these communities are starting their own broadband services—using fiber optic cable or WiFi networks. This digital bandwidth can multiply the number of access channels now available, providing opportunities for residents to create their own media and to broadcast noncommercial and independent content not available elsewhere. Broader access to the internet for lower-income residents can be supplied, either via community Internet access centers or as the backbone of a (perhaps WiFi based) community broadband network. The possibilities are as endless as the needs of local communities.

Media industry lobbyists are working full-time in Congress, the FCC AND state legislatures to eviscerate this last vestige of public accountability and local control over conduit (see *Municipal Wireless* in this Guide and www.freepress.net/communityinternet/). But remember, it is exactly this disconnection between deregulation and democracy that sparked massive public outrage when the FCC loosened broadcast media ownership rules in 2003. Realizing that their media was being made to serve the interests of large, removed companies at the expense of "the public convenience and necessity," millions of people took action. Ironically, many of our allies in the media ownership fight remain unaware of their power to insist that broadband and cable providers serve community needs as well. This has to change.

Free Press is working to create a new "tipping point" for public access to broadband services. Our Cable (www.ourcable.org) is a broad initiative to support local and state activists as they defend and expand public access to bandwidth and content production. Our Cable seeks to defend franchising where it still exists, scan states and localities that face industry tactics, track bills that take power out of citizen hands, and connect local people with ongoing negotiations. Working with grass roots access centers and national organizations such as the Alliance for Community Media, we hope to create an open, collaborative resource for the exchange of knowledge, tools and readily-adaptable materials.

As Congress undertakes a new Telecommunications Act, well-financed industry forces will make a sustained push to eliminate local control over communications infrastructure. A broad, connected coalition of informed activists can prevent communities from losing this ability to determine how best to serve their own needs. The time to build such capacity is now.

Russ Newman (rnewman@freepress.net) is the Cable Campaign director for Free Press (www.freepress.net). For more on OurCable, see www.freepress.net/defendlocalaccess/.

1949 – The Allerton Conferences, funded by the Rockefeller Foundation, brings together 30 educational broadcasters to organize a programming network and attract funding. Their joint statement: "educational broadcasting in a democracy is an essential part of and a supplement necessary to both education and public communications". These meetings lead to the campaign to convince the FCC to set aside channels for educational purposes. 242 are opened in 1952.

Comcast: Anatomy of a Cable Giant

Commerce plus broadcasting equals Comcast. The company's cable division has 21.5 million subscribers and is the largest such provider in the US (well ahead of number two Time Warner Cable). Comcast Cable brings in about 95 percent of revenues and offers cable TV, high-speed internet, and voice services. Comcast also has programming interests such as the Outdoor Life Network, and majority stakes in E! Entertainment Television and Comcast Sports Net. In addition, it partially owns Philadelphia's pro sports teams, the 76ers and the Flyers. Comcast joined the Sony-led consortium purchasing MGM, investing \$300 million. One third of Comcast is controlled by CEO Brian Roberts, son of founder and former chairman Ralph Roberts. www.hoovers.com

Comcast's financial performance may also be ready to catapult to the next level. With its network upgrades completed, Comcast's capital spending should fall 20 percent this year, making 2004 the first year when the company reports positive free cash flow, of about \$2.2 billion, estimates Tuna Amobi, an analyst with rating service Standard & Poor's in New York. Its cash flow will rise 32 percent next year, to \$2.9 billion, as Comcast rolls out more advanced services, he figures.

One such service is so-called voice over Internet protocol (VoIP), or phone service that uses lines connected to the Net. Comcast will roll out VoIP across most of its markets next year, aiming to offer it to 40 million households by 2006. The service could carry better than 40 percent margins, says Amobi. That would be as high—or even higher—than those for Comcast's cable operations.

Another advanced service Comcast is offering is movies over broadband connections. Just ramping up, that market is poised to triple this year, to \$2.4 billion worldwide, estimates Vamsi Sistla, an analyst with tech consultancy ABI Research in Oyster Bay, NY. Comcast is one of the first companies to allow its high-speed-cable Internet users to download and watch movies on their PCs.

— Excerpted from *Business Week Online*, August 2004

ComcastWatch collects stories of Comcast's treatment of consumers, cities and employees. www.comcastwatch.com is maintained by the Communications Workers of America.

For more information about Comcast and Time Warner's purchase of Adelphia Cable: www.cctv.org/comcast.htm

A Cable Code of Conduct

Editor's Note: The Cable Code of Conduct was drafted by the Grassroots Cable Coalition (www.grassrootscable.org/code-of-conduct.html) to mobilize communities served by Comcast. It is a useful tool for all cable organizers.

Communication is a fundamental human right. Cable and broadband internet services are the new, digital means of communication. As these technologies expand and converge, they will become the dominant medium through which people communicate and express themselves.

As the world's largest cable operator and largest cable operator in our local area, Comcast has a special responsibility to set a positive example in meeting its public interest obligations. Comcast must act responsibly and respect our right to an open and free society, as it takes a leading role in deploying these emerging technologies in our communities.

We urge Comcast to follow this Code of Conduct:

▲ Customer Service. Guarantee that service calls will be made in a timely manner, accounts will be updated and credited promptly, and credits will be issued for any service interruptions.

▲ Prices. Keep any rate increases comparable to the rate of inflation, and offer special low rates for low-income and fixed-income populations, so that their access is protected.

▲ Privacy. Seek express written permission from consumers before collecting, storing or sharing their personal information.

▲ Safe Working Environment. Provide its employees and customers a healthy and safe working environment, free of accidents, injuries, and property damage due to negligence.

▲ Union Representation. Allow employees to make decisions about union representation free from coercion and intimidation on the part of the company.

▲ Local Workforce. Build a diverse and locally oriented workforce whenever and wherever possible, with minimal outsourcing of jobs.

▲ Public Access. Support PEG

The FCC is considering rules that will allow three cable operators to serve 90 percent of the U.S. cable subscribers. At the same time, the Commission is considering the acquisition of Adelphia Cable by Comcast and Time/Warner (the nation's largest cable systems). Together, these companies will control more than 57 percent of the cable market. (Docket 05-192). 20,000 people have joined the outcry by filing comments opposing the concentration of cable market power. You can too by going to www.freepress.net/defend-localaccess/.

(Public, Education, Government) access channel provisions in their franchise agreements. Provide Institutional Networks (I-Nets) linking civic institutions and community organizations.

▲ Diverse and Local Programming. Provide the means for people of all races, nationalities, genders, economic backgrounds, and sexual orientations, to seek, produce and support programming in their local communities that speaks to their own issues and concerns.

▲ Open Internet. Allow consumers a choice of Internet Service Providers, and treat all information in a fair and non-discriminatory fashion.

▲ Responsible Business. Conduct business in a fully transparent manner, particularly in terms of its political contributions and lobbying. Ensure that all practices meet environmental regulations and that business is conducted in an environmentally sustainable fashion.

▲ Community Input. Put a system in place for community input into how cable technologies are deployed in their communities, and into Comcast's local corporate giving program.

As consumers, workers, and citizens living in the communities in which Comcast operates, we urge Comcast to immediately make necessary policy changes and performance improvements suggested by this Code of Conduct.

<http://www.grassrootscable.org/codeof-conduct.html>

To Meet Threat from Cable, SBC Rushes to Offer TV Service

BY ALMAR LATOUR

SBC Communications Inc., one of the world's largest phone companies, wants to launch a TV service in November...SBC plans to use a technology untested on this scale. It opened offices in Hollywood only a week ago and one executive on the project has no TV industry experience. The phone giant's seemingly quixotic quest to break into television is a sign of the rapid changes sweeping telecommunications.

Consumers are dumping traditional landlines for wireless phones. Cable operators and other independent companies are invading phone companies turf by offering inexpensive Internet-based

phone services. SBC alone has lost four million lines to competitors, or seven percent of its total, since the beginning of 2002.

To escape this downward spiral, SBC wants to fulfill an age-old dream of offering a bundle of consumer services through one high-speed pipe, something that some cable companies are already doing. To catch up, SBC plans to bundle

its TV offering with phone, wireless and internet services in a package that could end up

costing about \$100 a month. Competing with cable and satellite television, SBC wants to offer viewers the chance to watch TV on demand, rather than at

scheduled times, as well as hundreds of channels, many geared to niche audiences...SBC's project depends on its ability to deliver television pictures over a private network that works much like the internet.

...Cable companies are steamed that SBC doesn't intend to pay certain fees that local governments levy on cable operators. SBC has also said it won't extend its network to all households as cable companies are required to do. SBC maintains it's offering a data service akin to email, which is unregulated, an not a commercial product like cable.

— excerpted from *Wall Street Journal*
16 February 2005

for more on these issues visit:
www.cctv.org/peoplesguide.htm

Bells Press For Nat'l Video Franchises

BY DREW CLARK

Bell companies seeking to enter the video marketplace are facing obstacles in obtaining cable television franchises locally—and some are pressing for the authority to offer these services nationwide. If the former "Baby Bells" are successful, they could displace the role of municipalities in ratifying franchise agreements....At an April 27 hearing of the House Energy and Commerce Telecommunications and the Internet Subcommittee, a representative of the National Association of Telecommunications Officers and Advisors—NATOA—urged Congress to resist pre-empting their ability to sign off on franchise agreements.

"If a company like Verizon [Communications] that has to get 10,000 franchises to offer video and is able to average one franchise a day, it would take 40 years to get them all," Boucher said. "To the extent we have delays, consumers are denied the benefits of competition and

more varied service." Boucher added that "we need to have a deliberate and serious conversation about franchising" and the difficulties that Bells face in achieving such franchises.

But the Bells and cable are deeply split over franchising, with cable insisting that communications law requires competitors to obtain county-by-county franchises, a time-consuming process. After nearly a year of effort, Verizon has received only five such franchises.

Municipalities have thus far supported cable's argument. Speaking for NATOA, Kenneth Fellman, the mayor of Arvada, Colo., responded to Boucher's question by saying that municipalities were concerned about both the loss of tax revenues—franchises generally cost five percent of the cable company's revenues—and the loss of public, educational and government channels without an agreement.

National Journal's Insider Update,
9 June 2005

Local Cable Franchising Faces New Assault!

As of Fall 2005, Congress is considering three bills that will replace local cable franchising authority with the FCC—enabling the telcos to fast-track their way to cable service delivery across the country and supercede municipal authority to set up public broadband networks. The Alliance for Community Media is leading the fight against the Broadband Investment and Consumer Choice Act of 2005 (S 1504), Video Choice Act (HR 3146 and S 1349). For more information, go to www.alliancecm.org

Community Cable Cookbook: A Citizen's Guide to Cable Franchise Negotiations

BY JEFF CHESTER

Cable today reaches nearly seven out of ten US homes. For an average cost of around \$45 per month cable brings much more than standard TV to its 72 million subscribers. Premium channels and special-interest networks have extended the range of broadcast entertainment, and modern cable systems now deliver pay-per-view and video-on-demand options, CD-quality audio channels, high-speed Internet access, teleconferencing, and telephone service.

But another, less heralded side of cable may turn out to be even more important than the expanding menu of entertainment options that cable provides, especially as the platform develops into a full-fledged communications system, with two-way transmission capabilities.

"Cable systems," as the Baller Herbst Law Group explains in its *Key Issues in Cable Franchise Renewals* report, "are no longer simply vehicles for delivering cable television to households but have become highly sophisticated broadband platforms capable of providing voice, video, high-speed data and other interactive services to all addresses in a community. Cable systems can therefore contribute significantly to economic development, educational opportunity and quality of life in the electronic era."

In addition to the tangible benefits many cable franchises provide (public, education, and government access (PEG) channels and support, high-speed institutional networks (I-Nets), customer service guarantees, discounted rates for seniors, the economically disadvantaged, and the disabled), these documents also contain the building blocks for a genuine community media movement, one that places the power of new technology in the hands of

This Is Open Access?

Telecommunications industry seeks to stop public access and municipal broadband projects at the state level

A handful of cable companies will grudgingly concede that public, educational and government access channels give them a competitive advantage against the direct broadcast satellite providers. But they would prefer a "level playing field," i.e. have no public interest requirements. It is a given that industry lobbyists will advance this position in Washington and, as far as they can, with local franchising authorities. At the same time, cable is seeking to expand its sphere of influence to include state legislatures. A number of recent and disturbing bills around the country (Pennsylvania, Kentucky, Hawaii, Illinois, Colorado, Indiana, Florida, Iowa, Nebraska, Ohio, Oregon, Tennessee, Texas and Virginia) point to the seriousness with which the industry is expanding its fight against franchise fees, PEG and leased access and municipal authority to build telecommunications systems.

— Baller Herbst Law Group

For an updated list of Proposed State Barriers to Public Entry, see the Baller Herbst Law Group, www.Baller.com

individuals and nonprofit organizations normally excluded from the market-driven mainstream media:

- ▲ Public safety requirements (ensuring that connections to the home are electrically grounded, for example)

- ▲ Coordinated use of rights-of-way (managing construction schedules to minimize the disruption of traffic, for example)

- ▲ Consumer protections (establishing refund procedures and ensuring clarity in billing, for example)

- ▲ Environmental protections (assessing the impact of cable system construction and rebuilds, for example)

- ▲ Local economic development (meeting the needs of area businesses for advanced telecommunications)

- ▲ Enhanced telecommunications infrastructure (expanding cable's public interest obligations to include the provision of a high-speed data network)

- ▲ Diversity of viewpoints and programming (establishing guidelines for the categories of programming to be included in the cable line-up)

- ▲ Responsiveness to future technological developments (incorporating provisions to ensure the adoption of new cable technologies)

The Community Cable Cookbook details key components of a successful cable franchise, with excerpts from various franchise agreements around the country, covering both big-ticket items (PEG channels, I-Nets, and the like) as well as the seemingly minor provisions that often spell the difference between a cable franchise that has room for growth (as cable technology itself evolves) and those that lock communities into more restrictive covenants.

Jeff Chester (jeff@democraticmedia.org) is executive director of the Center for Digital Democracy.



1962 — Chosen to improve the U.S. military's use of computer technology in its cold war fight against the Soviet Union, ARPA's J.C.R. Licklider envisioned an "intergalactic" community which could emerge from a single computer time-sharing system. He thought such a community possible because he held a different view of computers. Instead of thinking of computers as giant calculators, Licklider laid out a vision in which computers would fulfill their greatest promise as a "communication medium between people."

Why Build Alliances? Because They Lead to Change

BY INJA COATES

Why build alliances? Who is in your corner when trouble comes your way? When faced with a negative city council person, controversial programming or a threatening piece of legislation, having allies in our corner is essential to our very existence.

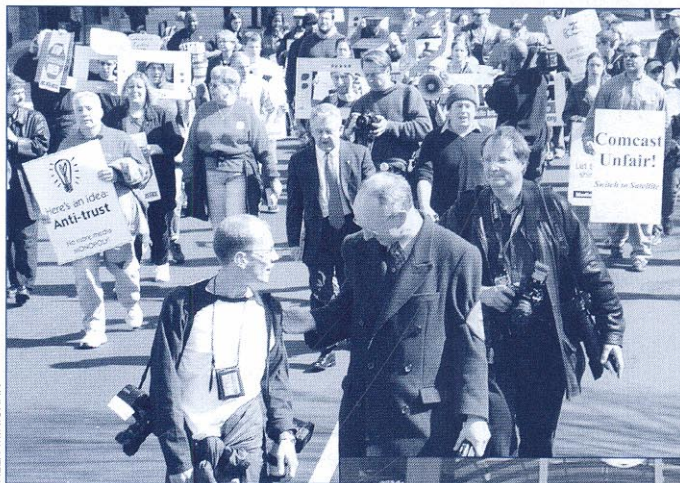
The past few years have seen a flurry of activity, both in terms of ever-growing threats to community media and in positive movement building for media change. Now there is a pressing need to find new strategies that will help us move beyond survival to build a more democratic media climate in this country and expand the scope of community media.

Access centers that have been proactive in building support among their users, community groups, local officials and the press are better positioned to face these challenges successfully when and if they occur. Even so, we're finding that it may not be enough. We can't necessarily get by on doing what we've done before, even if it worked in the past. To ensure the future of Access, we need to see ourselves in the larger picture of the ever-shifting media landscape.

In addition to making our case at the local level, we now face real threats at the state and federal levels too. Rapid technology development and industry politics are driving new policy decisions that will have a profound effect on the entire media landscape, which could include the fate of PEG access. Already there are plans to overhaul the Telecom Act over the next one to two years.

Perhaps many of you do not consider yourselves activists, and maybe not even advocates. It is up to each access center and person to determine whether they believe access is something worth defending. If you decide it is, then you will likely find many others who are willing to stand beside and fight with you.

In the last few years Media Tank has



ALEX MINISHAK

In Philadelphia, above, the Communications Workers of America join with the community to protest Comcast's corporate conduct. At right, an angel of public interest in Washington, DC.



HANS BENNETT

had the opportunity to participate in collaborative efforts that have helped spark public awareness of media reform issues and played a major role in building the current movement for media change.

Media Tank has intentionally undertaken projects that address different issue areas and seek to engage different audiences. We partnered with cultural organizations, lawyers, artists and policy experts to present the Illegal Art Extravaganza and Creative Rights Conference, focused on issues of copyright and intellectual prop-

erty, which naturally attracted a different audience than our youth media summit, Representin' Youth, which focused on media literacy and youth leadership. These projects provide various points of entry for analysis around different issues, which can be traced back to the same underlying problems of our media system and culture.

Early in 2002 the Federal Communications Commission was in the spotlight around a number of issues. FCC chairman Michael Powell gained attention with several memorable comments about the "Mercedes divide" and the "angel of the public interest." National broadcasters had won a significant court victory striking down the ban between cable and broadcast ownership, and the FCC had made its determination on cable modem service as an information service. In other words, the public interest was getting its ass kicked. It was time to act.

In March 2002 dozens of activists assembled in front of the FCC, spoke out against the public interest roll-backs, and made headlines as the "Angels of the Public Interest." Organized largely through email lists and phone calls, that action was a collaborative effort by activists all over the country who have continued to build on that momentum. It was largely because of the relationships

About Media Tank

Media Tank was founded in 2001 to provide communities with tools to understand and participate in critical decisions about our nation's media system and culture. Our community education and national organizing bring together media arts, education and activism in new ways to broaden the movement for media justice and reform as a key strategy for social change. Media Tank has focused its efforts on constituency building, developing new models and approaches for grassroots organizing, and promoting a media culture that fosters diversity, creativity, free expression and civic participation.

Find out more at www.mediatank.org • www.grassrootscable.com

built during that project, and the new organizing it inspired, that we were able to mobilize so effectively when the FCC announced its review of media ownership limits.

Coordinated efforts of activists organizing in their local communities helped build the groundswell of public sentiment against further media consolidation.



Beth McConnell of PennPIRG is at the podium surrounded by members of the Coalition.

These activists also worked within their own networks to get groups like MoveOn and Common Cause on board, and make links to the anti-war organizing, which was essential to bringing the issues to the forefront. By the time the FCC finally voted in June 2003, a broad coalition had come together from to oppose weakening ownership limits, from the NOW to the NRA.

Coalition How-to. There are many approaches and resources out there about how to build effective coalitions. And while there may be some standard principles that apply to coalition work in general, it's important that you assess the needs and capacities of your local community and seek alliances that make sense for your specific situation.

Reaching Out. As we approach the task of building a coalition, we should ask ourselves who are the stakeholders in the issue at hand? In addition to identifying our natural allies, it's worthwhile to think expansively about who potential allies might be. There are a wide range of "unusual suspects" who might have an interest in working with us, such as labor groups, the faith community, health advocates, local businesses and many others.

Being in the hometown of Comcast, Philadelphia has been the "ground-zero" of several cable-related fights. In addition to the ongoing fight for public access spearheaded by the Philadelphia

Community Access Coalition which has resulted in a city-wide coalition of more than 80 local groups, Media Tank was involved in building new cross-sector coalitions in response to the proposed Disney/Comcast merger and has since worked with local and national groups to initiate a Grassroots Cable Campaign.

This campaign emerged as a natural response to the many problems communities are facing with the cable industry with the recognition that we are at a critical and strategic moment where it is necessary to intervene in the debate about how cable technologies are developed and implemented in our communities. Seeds for it were sown at a caucus session we held at the Alliance for Community Media conference in Tacoma a couple years ago. It has since evolved into an exciting new model in which simultaneous local organizing is being coordinated in multiple cities with the hope of jump-starting a national campaign that is driven from the grassroots.

In building the local campaign in Philadelphia, we knew that consumer groups might have an interest in organizing around skyrocketing cable rates, poor customer service and privacy issues. Communications Workers of America had already been active around cable worker negotiations, social/economic justice groups knew that media consolidation was negatively affecting their ability to advance other issues, and that many of

their members depend on these services, which now they can barely afford. Other media activist groups had a common agenda of challenging corporate control of the media system.

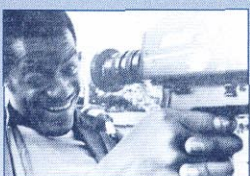
Issue Framing. How you frame the issue will determine how it connects with different people you may be trying to reach. The same issue can be cut many different ways, and how you choose to articulate it will say a lot about the deeper values and goals of your campaign. Take time to reflect on the vocabulary you use and basic assumptions you have about what is important. As we work to identify and engage potential stakeholders, we need to consider differences of values and attitudes.

As the Grassroots Cable campaign was beginning to take shape, global discussions were taking place around the World Summit on the Information Society (WSIS) and the Communication Rights in the Information Society (CRIS). We made a strategic decision to connect the local community with that global dialogue and find a way to create a framework for local communication rights, so Media Tank created a draft declaration of communication rights for Philadelphia and held the Communication Rights Film/Forum to "bring it home" to local activist struggles. While there is plenty more to do to flesh out a local communication rights platform, this became an important backdrop for the cable organizing.

While popular understanding of communication rights is still emerging, we believe it ultimately provides a more powerful organizing base. Just consider in your mind the difference between consumer rights vs. civil rights vs. human rights. How are these endowed and who can take them away?

Nuts and Bolts of Group Process.

Bringing together diverse groups to work together has its challenges as well as its benefits. It can be a juggling act to balance the end goals of the campaign with the equally important relationship building process that gets us there. Shared decision-making and shared leadership



1972 — The FCC requires cable television franchises with more than 3,500 subscribers to make local production available on public access channels. U.S. Supreme Court rules in *FCC v. Midwest Video Corp.* that FCC lacks jurisdiction to do this.

are central to factors in whether your alliances succeed or fail. Involving coalition partners and working together to determine common goals and strategies builds investment in the campaign and its outcomes.

A good collaboration:

- ▲ Recognizes (and values) what each group brings to the table,
- ▲ Provides opportunities for members to engage in mutual education about each other's work and unique background,
- ▲ Works within the strengths, limitations and capacity of the organizational members,
- ▲ Sets short-term and mid-term goals in addition to the end goal,
- ▲ Builds on interim successes,
- ▲ Reinforces the alliance and provides mutual support when setbacks occur,
- ▲ Shares responsibility for strategy, tactics, message, research and outreach.

In the cable coalition, the media groups naturally have more knowledge of media and technology policy and its implications, whereas other groups bring more expertise on state-level politics, tax reform issues, labor issues, and/or organizing in poor and minority communities. We split up the issues and drafted language that addressed our area of expertise, then synthesized it all into a "Code of Conduct" that serves as the platform for our campaign.

In June 2004, we held a press conference to launch the grass roots cable campaign in Philadelphia and another press conference in October for the public release of the Code of Conduct. We worked together to identify speakers, determine the message, coordinate logistics and work the press. We continue to share the responsibilities that keep us moving forward.

Fruits of Our Labor. When all is said and done, what does coalition work yield? The efforts I've described have led to even more opportunities to work together in new ways as groups have seen how these issues relate to their own agendas for change. Soon after Media Tank held a public forum on Philadelphia's much-hyped plan to create a city-wide Wi-Fi network, we learned of a Verizon-backed state bill which threatened the city's initiative. It was amazing the way local and national groups jumped into action, coordinating communication with officials in Harrisburg, Pennsylvania-based members, and the press. While, in the end the bill did pass, Verizon did concede to a special exemption for Philadelphia—largely because of the public attention we were able to generate—and a new coalition was forged that will continue to communicate and organize together on community wireless issues. The personal relationships that get forged from working together lead to new and exciting ways to build a common agenda for social change that recognizes the interconnectedness of our issues and allows us to be more effective in addressing the systemic causes.

Now is a momentous—if somewhat daunting—time to be working on media justice and reform issues. There is a lot at stake and a lot to be done. Maybe we started out as filmmakers, technology buffs, or access center managers. Now whether we are on the frontlines or behind the scenes, we all have a valuable place in a movement for a people-centered media system. Here's to building new alliances and working together for media change!

Inja Coates [inja@mediatank.org] is the co-founder and Director of Media Tank based in Philadelphia.

The full text of this article can be found at www.cctv.org/peoplesguide.htm

Alliance for Community Media Public Policy Platform

For democracy to flourish, people must be active participants in their government, educated to think critically. Communications networks which use the public rights-of-way and public spectrum must provide the means and support for that participation through community uses of media.

The Alliance for Community Media advances democratic ideals through public, educational and governmental access ("PEG") centers around the country that provide people with tools, training and transmission of their programming on cable channels. PEG access exists because of the regulatory framework for cable television that has been in place for more than 20 years. The PEG model can be strengthened and applied to new technological realities, assuring that localism and community participation are not displaced by commercial interests.

What's at Stake?

▲ A handful of companies control most of what Americans read and see in media today.

▲ As entertainment, sports and commerce flourish on media, other societal needs such as public education, health care, job training, civic participation and economic development are too often ignored.

▲ New technologies and applications that evolve without a regulatory framework that supports public participation threaten to eliminate the capacity and resources for equipment, facilities, training and services currently provided to localities by cable companies.

▲ No clear public interest requirements have been attached to the giveaway of digital spectrum to broadcasters despite the fact that today, less than one-half of one percent of programming on broadcast television is local public affairs.

▲ The regulatory framework for PEG is inadequate and under attack by commercial interests, resulting in survival struggles around the nation for this vital local communications resource.

What Federal Legislation is Needed?

Establish a policy of "community reinvestment" through PEG that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

▲ Allowing the local community which owns the public right-of-way to franchise and determine the best use of the community's property. This principle must be protected by Federal law.

▲ Dedicating 10 percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community-based education and political speech.

▲ Mandating funding of five percent of gross revenues from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services.

▲ Making PEG access universally available to any consumer of advanced telecommunications services capable of full-motion video.

The Alliance for Community Media Public Policy Committee meets monthly to discuss issues of concern to Alliance members. Contact Sean McLaughlin [sean808@earthlink.net].

Community Media Policy: Back to the Future

BY MICHAEL WEISMAN, JD, LL.M.

Community media under the Cable Act of 1984 has not prospered the way it was intended. Although the Act was tilted distinctly toward community media (it guaranteed the ability, if not the right, to require and finance public, government and educational access), our diverse community has only in a notable few cities been able to access the strong legal and financial rights provided under the law. Congress underestimated the power and divisiveness of the cable companies, and overestimated the political willpower and staff resources of local governments. The nation, unfortunately, has never been able to build on the Cable Act, and our nation's lagging competitiveness and poor quality cable infrastructure is the result.

Digital convergence is knocking at the door. It will bring a new mix of services to consumers, delivering television, radio, and Internet over every conduit, and in some case entirely without conduits.

Community media activists have historically argued that our meager resources were a form of rent for use of the right-of-way. This argument never had much behind it; Congress was not thinking about the right-of-way in 1984, they were thinking about the value of the de facto monopoly franchise. It's time we got back to the future: community media is the public's entitlement for giving private companies the defacto monopoly use of public assets, whether it is streets, sidewalks or poles, or whether it is radio spectrum or light or air. All communications companies share this status, whether they offer programs by internet, phone, or cable.

Community media activists must take

the offensive to ensure that the inevitable legislation on the way to deal with the convergent communications sectors preserves, enhances, and expands the funds and platforms for community media. The financial support should be spread among all providers, and up the value chain to obtain funding from producers, networks, and advertisers. As all providers must open platforms for distribution of noncommercial programming, so should commercial programs help underwrite the production of noncommercial programming.

Convergence will be a mixed blessing for community media. While it will pose a regulatory challenge for the U.S. to come into the 21st century, digital production has helped more people than ever gain access to quality tools for self-expression. New community media centers are able to do more than ever by using digital cameras, computers for editing and post-production, and inexpensive servers to stream audio and video programming. Programs look and sound better, and producers take cameras to more remote and unusual venues every day.

Tomorrow's opportunity for better funding comes with responsibility.

In many communities like Seattle, community media is too narrowly defined to just public access. Community and LPFM radio, nonprofit ISPs, and school-based programs share many of the same needs and values. False and ridiculous barriers have been erected between advocates for community media and public broadcasting. The two should work together for a larger pie, not fight over crumbs.

Some city governments, Seattle

included, are seeking to replace public access with their own highly produced, taxpayer-supported programs, a modern day propaganda model. Ironically, we are seeing less and less of our government at work, in the name of improving community programming. This movement is growing, even within the Alliance, and will be one of the most important threats to community media.

The challenge for community media activists is to develop a new justification that will survive convergence, the Republican Congress, and whatever comes next. The new justification should be based on the duty of all communications network operators to provide distribution for community media on an equal basis to government media or any others. Broadcasters and producers have a duty to contribute (through taxes, fees, etc.) to national and regional funds for the production of local noncommercial media of every kind. Government channels must return to providing us a window on government at work.

The good news is that the public is with us on all this. At

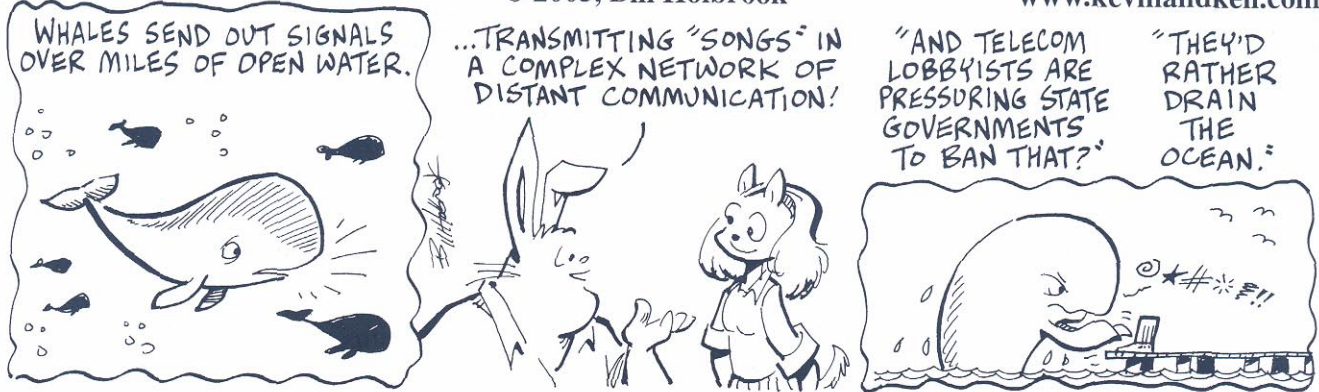
for more on these issues visit:
www.cctv.org/peoplesguide.htm

Reclaim the Media (www.reclaimthemediala.org), we are repeatedly

astounded by the unity and depth with which the public understands the nuances of media policy and distribution. They are way ahead of us, and the Alliance for Community Media owes them the duty of showing the way to a new reformed community media policy in every town.

Michael Weisman, JD, LL.M. (popeye@speakeasy.net) is an attorney based in Seattle with expertise in telecommunications law and policy, and is co-director of Reclaim the Media (www.reclaimthemediala.org).

1980 – 'There is a potential large benefit from the integration of a variety of systems in a way which allows a user to follow links pointing from one piece of information to another one. This forming of a web of information nodes rather than a hierarchical tree or an ordered list is the basic concept behind HyperText.' – Tim Berners-Lee, WorldWideWeb: Proposal for a HyperText Project



Broadband & the Internet: 'The Triple Play'

While it takes cable television 60 years to reach 72 million households, broadband explodes from ten million to one hundred million users in less than four. The rapid development of the "information super-highway" is due largely to technological breakthroughs of the 1970s—fiber optic cable, packet switching, personal computers, UNIX operating systems and internet protocols. These innovations lay the foundation for the Internet—conceived by the US Department of Defense—as the "network of networks" which now transports the "triple play" of our communications and cultural content via voice, data and video programming over wires and through the air between our homes, offices and mobile devices.

According to the Pew Internet & American Life Project (www.pewinternet.org), on a typical day at the end of 2004, some 70 million American adults logged onto the Internet to use email, get news, access government information, check out health and medical information, participate in auctions, book travel reservations, research their genealogy, gamble, seek out romantic partners, and engage in countless other activities. That represents a 37 percent increase from the 51 million Americans who were online on an average day in 2000.

While Pew also reports growing numbers of internet users in disadvantaged communities, the digital divide between "dial up" and broadband users remains—testifying to the lack of investment by the

dominant cable and telecommunications companies in rural and poor urban neighborhoods.

The 1996 Telecommunications Act is written with broadband and the internet in mind. A majority of Congress, convinced by telecommunications lobbyists, believed (and still do) that the internet's ability to provide "content for everyone" renders public interest communications and media protections unnecessary. They maintain that the scarcity of content and channels will be replaced by more data and video than we can consume while competition between providers drives prices down. The 1996 Act was viewed as "transitional" regulation—a stopgap until the time when regulation is no longer necessary to provide for the "public convenience and necessity."

Nearly a decade later, it is clear that these deregulatory intentions resulted in fewer telephone and cable companies, higher prices for broadband services, an internet filled with regurgitated content from mainstream media sources and far less access for independent competitors and unusual voices.

While the history of the internet and broadband is relatively short, the future of communications and media policy lies with our ability to protect the public interest across the broadband platform. The "level playing field" for any company that provides voice, data or video must:

- ▲ Advance open, non-discriminatory access to communications networks,
- ▲ Extend broadband service to rural and urban communities alike,
- ▲ Set aside resources for public access and noncommercial community purposes: independent media productions, public access channels, community technology centers, emergency services, community broadband, and
- ▲ Protect the public's ability to share digital content without prosecution.

Will the Internet be a network of global intelligence, an open platform for a multitude of voices and views? Or will it be a closed, pay-by-the-bit purely commercial marketplace?

The good news is that we are not alone—we stand as part of a media and communications reform movement able to mobilize the people power necessary to overcome the money power that seeks to treat us as consumers—rather than who we are: citizens of a democracy.

— LGD

For more on "what is broadband" see <http://www.democraticmedia.org/primer.html>

Because the zeros and ones of digital packets can be transported on coaxial or fiber optic cables, broadcast across the world or beamed from one I-pod to another, the distinct categories of communications and media are now being challenged by both the industry and public interest reformers.

No Competition: How Monopoly Control of the Broadband Internet Threatens Free Speech

Editor's note: American Civil Liberties Union (www.aclu.org) and the Center for Digital Democracy (www.democraticmedia.org) commissioned a telecommunications engineering consulting firm, Columbia Telecommunications Corporation, to study the cable broadband Internet and evaluate the technological prospects for maintaining the Internet's open nature as shifts from dialup to cable. The policy recommendations from this study are included in the full text of the ACLU White Paper and can be found at <http://www.aclu.org/Cyber-Liberties/Cyber-Liberties.cfm?ID=10519&c=16>

The Internet as we have known it is going to change—the only question is how. There's a fight going on over that question, and at stake is nothing less than the Internet's potential as a medium for free expression, civic involvement and economic innovation.

Driving the change is the ongoing conversion by consumers from a dial-up Internet (based on slow modem connections over phone lines) to far faster “broadband” connections (mostly using cable modems). With dialup, Internet access is provided over a medium that provides open, equal access to all: the telephone system. But with the shift to cable, Internet access must be adapted to a medium that has been far more subject to centralized control.

The danger is that the Internet will come under private control. Core American liberties such as freedom of speech are of no value if the forums where such rights are commonly exercised are not themselves free. And the Internet is without doubt the most vital and active such forum around today—a place where citizens can publish their views to be seen by a few close friends, or spread around the

world; where citizens can engage with others on thousands of bulletin boards and chat rooms on nearly any topic, create new communities of interest, or communicate anonymously about difficult topics. It is one of our top entertainment mediums. It is the nation's most comprehensive, flexible, and popular reference work. It is the closest thing ever invented to a true “free market” of ideas.

The Government Must Act to Protect the Internet. The cable broadband situation would be bad enough if it were just a case of a market where monopolistic companies are restrained neither by competition nor by the government. But Internet access is not just any business; it involves the sacred role of making available to citizens a forum for speech and self-expression—a forum that is perhaps the most valuable new civic institution to appear in the United States in the past century. An unregulated monopoly is bad for consumers; a monopoly in internet access is far worse: it is bad for citizens, and therefore bad for America.

The refusal to create competition in cable broadband appears to be partly the product of a naïve anti-regulatory attitude that scorns any government rules as contrary to the “free market.” What this viewpoint leaves out is that competition and regulation are not always at odds. In fact, it is often impossible to have competition without regulation;

for more on these issues visit:
www.cctv.org/peoplesguide.htm

government intervention is needed not only to set ground rules so that competition is kept within socially desirable boundaries (for example by prohibiting murder or cheating on measurements), but to create the very arena in which competition can take

place to begin with.

In fact, the Internet would never have exploded into American life the way it has without regulations issued by the FCC that curbed the power of the telephone companies in ways that the agency is now refusing to do for cable.

The hard fact is that the internet is shifting from the open phone system to the closed cable network. If the government remains passive, it will be transformed in the process into a place where not all thoughts, expressions, publications, and other content is treated equally. The ever-more-exclusive club of cable operators must be counterbalanced by competition, which in this case can only be assured by open-access regulations.

In addition to revealing the full extent of the possibilities for control, the facts laid out by our study also shows that there are no technical barriers to creating true open-access over cable...nondiscriminatory open access leading to true consumer choice and the survival of the open internet is completely feasible on the technical level.

Unfortunately, on the political level the prognosis is less clear. The wealthy and powerful cable industry has so far succeeded in blocking action by Congress or the FCC to protect the openness of the internet. Only if citizens demand action can the precious neutrality and independence of the Internet be preserved.

CTC's report is available online at http://www.aclu.org/issues/cyber/broadband_report.pdf

1984 – Congress passes the Cable Communications Act of 1984 and creates a new title in the 1934 Act devoted to cable television at the same time that the industry begins its major expansion from rural to urban areas. The Act deregulates cable pricing and allows cities and local franchising authorities to collect 5 percent franchise fees and set aside public, educational, government and leased access channels. Sections of title VI (47 USC 521) are updated in the Cable Consumer Protection Act of 1992.

Broadband: Electronic Public Roads

BY DR. TIM NULTY

The "Last mile problem" for broadband has been the subject of much discussion throughout the world in recent years. The U.S. telecommunications system can, perhaps, be likened to a first-class, but overbuilt, interstate turnpike system, fed by obsolete local dirt roads and donkey carts. The principle carriers (especially the RBOCs) have exploited this situation by: a) milking their obsolete copper plant; while, b) complaining that they do not have "sufficient incentive" to remedy the situation (by building modern local broadband networks) because of dastardly regulations which require them to lease access to their facilities to outsiders (read: competitors). The remedy they propose, not unsurprisingly, consists of removing such restrictions and, if possible, sweetening the pot with Federal money, tax breaks and similar incentives.

But that puts the question backwards: why should the government subsidize creation of a closed network? Isn't an open access, non-discriminatory broadband network—much like the local "public road" system—exactly what the nation needs? Investor Owned Carriers (IOCs) will always resist such a system—as the lamentable history of "unbundling" of the telephone industry has demonstrated.

Monopoly systems with carrier control over content are a recipe for excessive prices and censorship. Why should we encourage—let alone subsidize—such a system?

Would we want to give private companies the right to own the nation's local road system—and charge monopoly rents to the homes and businesses located along them, as well as restrict who could deliver services over them? Obviously not.

Open public roads available to all citizens and all businesses is fundamental to our American way of life and to competi-

tive services. The same should be the norm for the electronic public roads of the future.

One (but certainly not the only) candidate to build open access "electronic public road" systems is local government. The idea of doing so is spreading—because of growing awareness of the importance of modern telecommunications to economic development and jobs.

Currently, most local governments are intimidated by two things: a) an increasingly strident political campaign by the investor-owned (IO) telecom sector (especially the RBOCs and the main CATV companies) which sees its traditional monopoly under threat; and, b) the (perceived) technical difficulty of building and operating telecom infrastructure. (The latter fear is, of course, fanned by the IO campaign.)

In fact, they need not be intimidated. The near infinite capacity of modern broadband technology (especially fiber) makes publicly-owned, open access broadband local networks entirely feasible—both technically and economically.

Operating such networks, while requiring care and organization, is not "rocket science" and is well within the capacity of any local government that is already providing electricity, water, waste removal etc.

On the other hand, the consequences for local communities of not having adequate telecom infrastructure are dire and becoming more so—sufficiently so that a number of communities around the nation have swallowed their fears, tackled the problem, and, despite the obstacles, are engaged in building their own publicly-owned and operated local broadband "last-mile" networks.

The goals of the total Burlington [VT] Telecom Project (BT) are to provide the city with state-of-the-art telecommuni-

cations infrastructure which is:

a) Universal. available at reasonable prices to every citizen, business and institution in the City

b) Open access like the public roads, any provider or user of telecommunications services will be able to use the network on an open, non-discriminatory public-utility basis;

c) Future proof, the network will have sufficient capacity and flexibility to be able to accommodate any service need for the foreseeable future;

d) Financially self-sustaining. the network should be paid for by the users and not the taxpayers—with prices set on public-utility principles.

While this is not the only model to follow, the experience of Burlington strongly suggests that local governments can build and operate modern open-access local broadband networks which are technically, operationally, and financially feasible—and which provide a hugely valuable infrastructure for their citizens and businesses.

Our hope is that a detailed, practical acquaintance with Burlington's experience will embolden other towns and cities to take up this important task—and, thereby, help to give America the truly open telecommunications system that it both needs and deserves for the coming century.

Dr. Tim Nulty [tnulty@ci.burlington.vt.us] is director of Burlington Telecom in Burlington, Vermont.

For a full discussion of the City's business plan and approach to community broadband see <http://www.mscom.org/Docs/Slides/050223/050223Nulty-paper.pdf>

1999 — Duopolies Okayed. FCC revises local market television ownership rules— the "TV duopoly" rule and the radio-television cross ownership (or "one-to-a-market") rule to reflect changes in the media marketplace. One month later, Viacom and CBS announce \$50 billion deal—largest media merger of the time. The new Viacom has 33 television stations which eclipse the FCC's 35 percent ownership cap. The cap is based on the amount of stations one company owns that reach 35 percent or more of the nation's television households. These ownership caps are later challenged by more than 2,000,000 people, who file comments with the FCC opposing any effort to lift broadcast ownership limits beyond the 35 percent cap.

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"Insurance for Access has been such a financial headache...until now. Finally, a company that understands our needs and provides excellent coverage at a price we can afford. We are saving over 60%...a dream come true!" Laurie Cirivello, Community Media Center of Santa Rosa

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Dedication & Special Thanks

THE PEOPLE'S GUIDE TO THE TELECOMMUNICATIONS ACT OF 2006

is dedicated to Dirk Koning (1957–1995). Dirk was a rare community organizer who used the tools of media and communications to achieve a just and democratic world—one victory at a time.

Veteran chair of the *Community Media Review* Editorial Board, Dirk whistled when he heard about the plans for a handbook on U.S. communications and media policy. His comment: "It's a big one". He was right.

THE PEOPLE'S GUIDE is the work of activists and advocates from the horizon of media reform, media justice and media democracy. Dirk was a beacon on that horizon and his contribution to this issue is the light he shed on the dozens of people and organizations represented in this issue. He stood tall and bright and navigated a way through the digital "bitstream" so that public access TV could reshape itself as community media. Today, Dirk would be quick to remind us that the future of free speech and democracy lies in our work as activists. Nothing less than public access to all forms of media and communications is at stake. To succeed, we

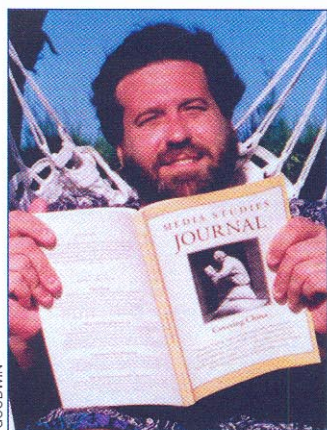
must learn the history, stay fresh on policy threats, know the players and work in coalition with our allies across the world. We are all beacons now.

For their generosity, advice and inspiration, very special thanks are due to Jess Wilson and the CCTV Center for Media & Democracy, Tim Goodwin (*Community Media Review*), Harold Feld (Media Access Project), Pat Aufderheide (American University), Chuck

Sherwood, Mark Lloyd (American Progress Foundation), Rob Williams (ACME), Russ Newman (Free Press) Martha Wallner (Media Alliance), Becky Lentz (Ford Foundation) and Jeff Chester (Center for Digital Democracy). This issue would not have been possible without the unflagging patience and support of my family, Mark Johnson and Stella Rose Johnson.

Special thanks to The Philadelphia Foundation, our advertisers and members of the Alliance for Community Media for your financial support of THE PEOPLE'S GUIDE TO THE TELECOMMUNICATIONS ACT OF 2006.

— Lauren-Glenn Davitian [davitian@cctv.org], Guest Editor, *Community Media Review*, Spring 2005



Dirk – Pipa, Brazil, 1999

In the Next CMR

Media reform activists have emerged over the past decade and cover a broad range of media issues—from low power radio and public broadcasting to public access cable and community broadband. From consumers rights to organized labor to diverse ethnic constituencies entitled to be part of the media mainstream. Their power is based on their dedication to public interest media and communications, the human networks they able to mobilize with new electronic tools and old fashioned organizing principles.

They point to the way forward—a level playing field for public interest media and communications—free speech, open access, diverse voices and the democracy we believe is possible. To follow the way forward go to <http://www.cctv.org/cmrpeople.htm>

Guest Editor-in-Chief

Lauren-Glenn Davitian is a founder and executive director of CCTV's Center for Media & Democracy (www.cctv.org), based in Burlington, Vermont. She and her colleagues operate Channel 17/Town Meeting Television (a regional government access channel), CyberSkills/Vermont (a community technology center for nonprofits and job seekers), and CCTV Productions. The success of these projects (and 43 public, educational and government access channels throughout Vermont) is due to persistent advocacy and wide-spread public support for free speech and public access to the public rights-of-way.



Kevin & Kell

Bill Holbrook, commissioned to create "Kevin and Kell" panels for the PEOPLE'S GUIDE, began his strip in 1995 because he wanted make a living out of contributing something original and fun for the online community to read. His daily strips can be found at www.kevinandkell.com

In short, the news divisions of the media cartel appear to work against the public interest—and for their parent companies, their advertisers and the Bush Administration. The situation is completely un-American. It is the purpose of the press to help us run the state, and not the other way around. As citizens of a democracy, we have the right and obligation to be well aware of what is happening, both in "the homeland" and the wider world. Without such knowledge we cannot be both secure and free. We therefore must take steps to liberate the media from oligopoly, so as to make the government our own.

— Mark Crispin Miller, *What's Wrong with this Picture?* December 2001, *The Nation*

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Paul Congo, Executive Director of Access Monterey Peninsula, has spent over 25 years involved in community access television, and along the way, he learned what it takes to succeed in this broadcast field.

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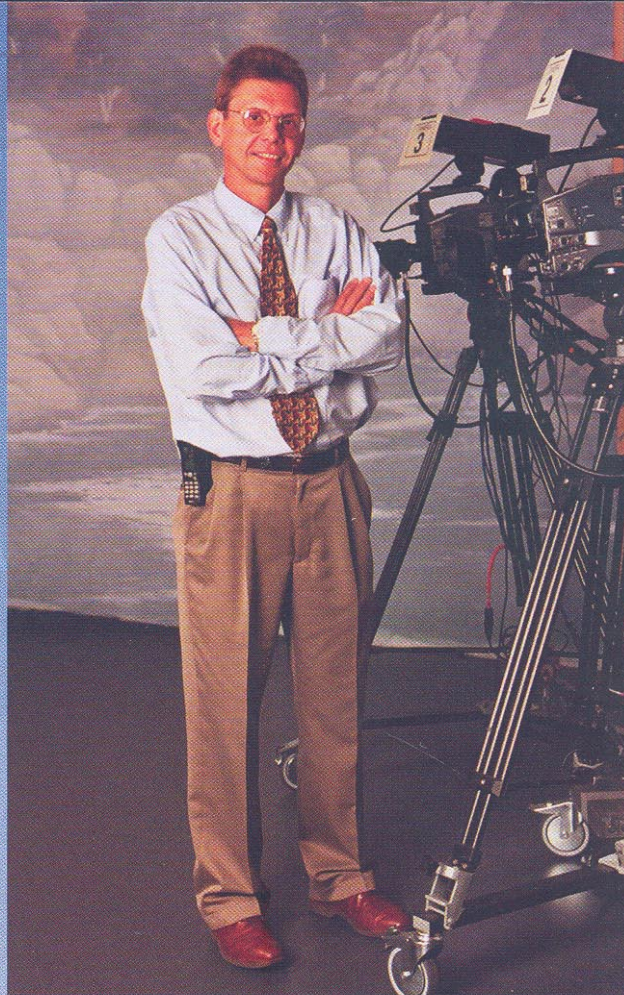
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Paul Congo,
Executive Director,
Access Monterey Peninsula



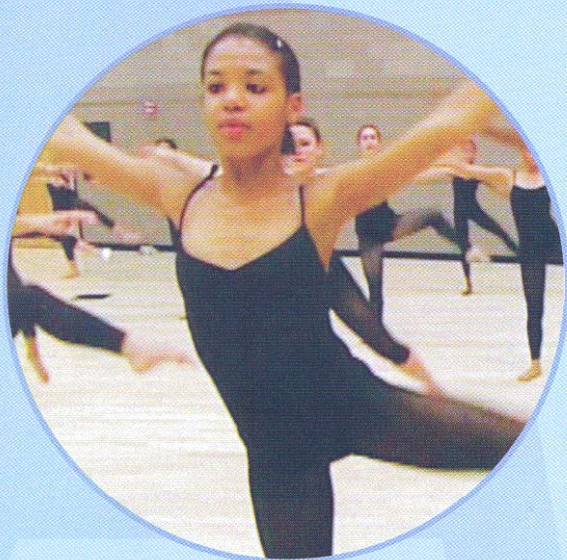
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